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W.P.(MD)NO.29662 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29662 of 2023

P.Kalaivani

... Petitioner

Vs.

1. The Regional Manager,
Federal Bank Ltd.,
Chennai Regional Office,
Third Floor, Trinity Towers,
30, Conron Smith Road,
Gopalapuram,
Royapettah, Chennai.

2. The Manager,
Federal Bank,
Madurai District,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return back the jewels by considering the representation of the petitioner dated 21.11.2023 and by the communication dated 20.11.2023

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents: Mr.N.Dilipkumar

* * *

**ORDER**

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Heard both sides.

2. The petitioner's husband had pledged the petition-mentioned jewels with the second respondent. The petitioner's husband has been missing since 03.03.2022. The petitioner lodged a complaint in this regard. It was registered as FIR in Crime No.134 of 2022 on the file of Theppakulam police station, Madurai City. The loan amount has since been settled. The petitioner wants the jewels back. The respondents are hesitating for obvious reasons. Only if a person has not been heard for seven years, civil death can be presumed. Now hardly 1½ years have elapsed. Therefore, the second respondent declined to return the jewels on their own.

3. Taking into account the special facts and circumstances obtaining in this case, I direct the respondents to return the pledged jewels to the petitioner. The petitioner has to execute an indemnity bond. Not only the petitioner but also her children have to execute a consent document stating that they have no objection for the second respondent to return the pledged jewels to the petitioner. It is open to the second respondent to satisfy himself as regards the identity of



the parties. If the indemnity bond is executed by the petitioner and the consent deed is executed by the children in the stamp paper, the jewels shall be returned. This writ petition stands allowed. No costs.

14.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Regional Manager,
Federal Bank Ltd.,
Chennai Regional Office,
Third Floor, Trinity Towers,
30, Connon Smith Road,
Gopalapuram,
Royapettah, Chennai.
2. The Manager,
Federal Bank,
Madurai District,
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G.R.SWAMINATHAN,J.

PMU

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