

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.1526 of 2016
and
W.M.P.No.1295 of 2016

K.Srirangarayan

.. Petitioner

Vs.

The Branch Manager,
State Bank of India,
Dharapuram,
Tiruppur District.

.. Respondent

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Prohibition, prohibiting the respondent bank or their men or their agent from deducting any amount from the amount of pension of the petitioner from the petitioner's savings bank account No.31490073750 stands at State Bank of India, Dharapuram Branch, Tiruppur District.

For Petitioner : Mr.R.Saseetharan

For Respondent : Mr.P.D.Audikesavalu

ORDER

Heard the learned counsel, appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondent Bank.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Prohibition, prohibiting the respondent bank from deducting any amount from the pension amount of the petitioner, from the petitioner's savings bank account No.31490073750.

3 The petitioner has stated that an educational loan, for a sum of Rs.1,96,200/-, had been obtained from the respondent Bank, on behalf of the daughter of the petitioner, namely S.Arunmozhi, on 16.11.2009. However, the said amount had not been cleared, as the daughter of the petitioner had not been in a position to get an employment, after completing her studies.

It has also been stated that the respondent Bank had recovered a sum of Rs.6000/-, towards the outstanding dues, from the Savings Bank account of the petitioner, bearing No.31490073750, contrary to Section 60(1)(g) of the Civil Procedure Code. The petitioner had further stated that the undertaking given by the petitioner, on 12.12.2014, is contrary to law and therefore, it cannot be taken into consideration by the respondent Bank, for the recovery of the outstanding dues, payable towards the educational loan in question.

4 The learned counsel, appearing on behalf of the petitioner, had also placed a decision of this Court, dated 27.11.2015, made in W.P.(MD)No.17838 of 2015, in support of the said contention.

5 Per contra, the learned counsel, appearing on behalf of the respondent Bank, had submitted that an educational loan, for a sum of Rs.1,96,200/-, was granted in favour of the daughter of the petitioner, on 16.11.2009. The recovery of the outstanding dues had been made, based on an undertaking given by the petitioner, dated 12.12.2014, as a co-applicant, for the said educational loan.

6 In such circumstances, this court does not find any error or illegality in the recovery of the amount of Rs.6000/-, from the savings bank account of the petitioner, bearing No.31490073750, even though his pensionary benefits are being deposited in the said savings bank account. It is clear from the undertaking given by the petitioner, on 12.12.2014, that the respondent Bank is entitled to recover a sum of Rs.6000/-, per month, from his savings bank account, bearing No. 31490073750, towards the outstanding dues of the educational loan, availed in favour of the petitioner's daughter, namely S.Arunmozhi. In such circumstances, this court finds it appropriate to dismiss the writ petition, as devoid of merits. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vvk

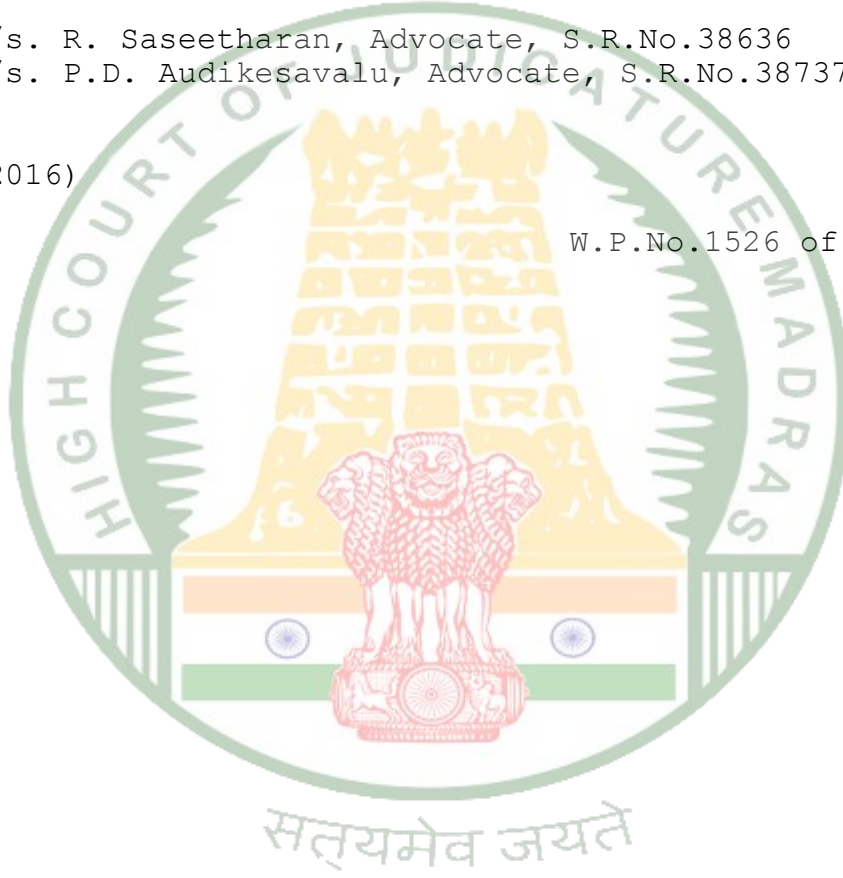
To

The Branch Manager,
State Bank of India,
Dharapuram,
Tiruppur District.

+1cc to M/s. R. Saseetharan, Advocate, S.R.No.38636
+1cc to M/s. P.D. Audikesavalu, Advocate, S.R.No.38737

RSI (CO)
EU(04/08/2016)

W.P.No.1526 of 2016



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