

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2016

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Cont.P.No.434 of 2016

V.M. Karthika Petitioner

Vs

S.R. Sargunam
The Branch Manager,
Indian Bank, Bhuvanagiri post,
Chidambaram Taluk,
Cuddalore District. Respondent

Prayer: This petition was filed under Section 11 of the Contempt of Court Act against the order passed in WP. No. 604 of 2013 dated 28.01.2015 on the file the Hon'ble High Court, Madras.

For Petitioner : Mr. D.Sadhasivan

For Respondent : Mr. R. Jagadheesan

WEB COPY
ORDER

Heard Mr.D.Sadhasivan, learned counsel for the petitioner and Mr.R.Jagadheesan, learned counsel for the respondent. The Branch Manager is also present. The order and direction issued in Writ Petition No. 604 of 2013,

dated 28.01.2015 is as to the following:-

"In the light of the subsequent developments and taking note of the fact that petitioner's sister has started repaying the loan and appeal is also pending before the Lower Appellate Court against the suit filed by the bank and petitioner had also attained majority, it is a fit case where the respondent-Bank should consider the issue afresh. It is open to the respondent to insist upon further documents or even to sanction lesser amount than sought for by the petitioner. Petitioner is directed to file an application for grant of loan along with the copy of this order clearly stating the amount, which would be required by her or amount which was sent by her father to enable her to complete four years BE course and if application is filed, the respondent-bank shall consider the same as per the guideline stipulated. Since in the instant case facts are peculiar and during the pendency of the writ petition, the petitioner has completed course and she has attained majority, the respondent bank is directed to consider as to whether the loan amount can be paid directly to the petitioner."

2. From the records placed before this court by way of counter affidavit as well as the documents annexed in the typed set of papers filed by the petitioner, it is evidently

clear that loan has been sanctioned and a proceeding to the said effect has been passed by the respondent-bank.

3. In fact, the learned counsel for the petitioner would fairly state that the order has been complied with. But his contention is, in the sanctioned letter, the respondents have imposed certain conditions and particularly, the petitioner is aggrieved by condition No.11, which states the petitioner's father being the co-borrower in respect of another educational loan for his other child, should given an undertaking for repayment of the entire overdues in the account, within a period of month.

4. By referring to the statement attested by the bank officials, it is submitted that the entire loan has been repaid by the petitioner's father, in which he was a co-borrower along with the other daughter. The branch manager of the respondent bank, who is present in court, submits that the loan is yet to be settled and in fact there is default in the payment of interest also.

5. In addition, learned counsel for the respondent bank contented that as on date more than Rs. 99,000 is due and payable. Further, it is submitted that the document relied on by the learned counsel for the petitioner at page number 58 is not the statement of accounts of the loan

account but it is SB account. In any event, this court is only examining the issue as to whether the order has been complied with or not. The direction issued by this court was to consider the application given by the petitioner as per the guideline stipulated. The Court while issuing direction took note of the fact that the petitioner has already completed the course and yet thought fit to issue direction.

6. In such circumstances, the direction issued by this Court having been complied with by the respondent, by order dated 03.05.2016, it is not a case where there is willfull disobedience of the directions issued and this court cannot go into the issue as to the conditions imposed by the respondent bank, since the direction in writ petition was only to consider it as per the guidelines stipulated.

7. With all the above observations the contempt petition is closed.

tar/rts

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/02/09/2016

One CC to T.V.Subramanian, Advocate, SR.10267/2016

One CC to M/S.D.Sadhasivan, Advocate, SR.10056/2016