

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.36718 of 2015

ORDER:

The present Writ Petition is filed by the petitioner aggrieved over the inaction on the part of the 4th respondent herein, whereby even though the petitioner herein paid the entire loan amount availed by him, the 4th respondent failed to return the documents filed by the petitioner herein as a security. When the petitioner approached the 4th respondent, the 4th respondent herein informed the petitioner that they could not able to trace the documents and on tracing out the said documents, the same will be returned to the petitioner. The issue is pending from the year 2012.

When the matter is posted for hearing, the learned counsel for the respondents herein submitted that **already** there is a Circular bearing serial No.1493, dated 31-03-2012 issued by the 4th respondent herein, wherein the following clauses are included :

“In case of loss of title deeds, compensation by way of –

- (a) Furnishing Bank's certificate or notarised affidavit indicating loss of title deeds in the custody of the bank.
- (b) Paper publication regarding loss of title deeds at the Bank's costs.
- (c) Bearing/reimbursing the expenditure for obtaining certified copies of such title deeds.”

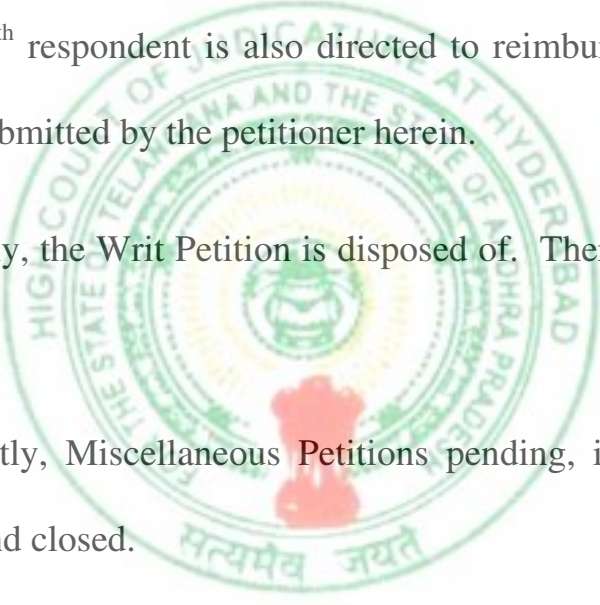
It is also informed that they are willing to comply with the said conditions and also informed that the same will be communicated to the petitioner herein.

Considering the said submissions, the Writ Petition is disposed of as follows :

The 4th respondent herein is directed to comply with the said conditions mentioned in Circular bearing serial No.1493, dated 31-03-2012, and the petitioner is also directed to apply for duplicate copies of the documents before the concerned Sub-Registrar and produce the expenditure incurred by the petitioner to the 4th respondent herein and on obtaining the duplicate copies, in view of the loss of the documents by the 4th respondent, the petitioner is permitted to use the same as original for any other purpose in future. The 4th respondent is also directed to reimburse the expenditure after the bill is submitted by the petitioner herein.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.


JUSTICE RAJA ELANGO

07th December, 2016

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