



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD) No.12549 of 2017

and

W.M.P.(MD) No.9668 of 2017

R.Shanthi

.. Petitioner

Versus

The General Manager (In Charge),
The Paramakudi Co-operative
Urban Bank Limited,
Ramanathapuram District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, by forbearing the respondent from proceeding as against the house property situated at door no.1/133(A-1), Jeeva Nagar, Emaneaswaram, Paramakudi Taluk, Ramanathapuram District under the guise of recovering the home loan vide HLA No.58.

For Petitioner : Mr.K.Anand

For Respondent : Mr.K.Guru

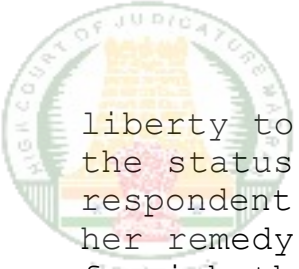
Additional Government Pleader

ORDER

Mr.K.Guru, learned Additional Government Pleader, takes notice for the respondent. By consent, the Writ Petition is taken up for final disposal.

2. The petitioner is seeking an unusual prayer praying for a direction to the respondents from proceeding against the house property situated at Door No.1/133(A-1), Jeeva Nagar, Emaneaswaram, Paramakudi Taluk, Ramanathapuram District under the guise of recovering the home loan vide HLA No.58.

3. This Court is not able to find any merit in the writ petition. The reason is that the petitioner, W/o.Late Mr.S.Rajkumar, admitted the borrowing of loan of Rs.5 lakhs by her husband during his life time. It is her further case that her husband was unaware of the status of the loan. Therefore, the petitioner should take up reasonable steps to repay the loan amount by approaching the respondent. Without resorting to any such course, she cannot come to this Court asking for injunction against the respondent from proceeding against her property in public auction. Therefore, the writ petition fails and the same is dismissed. The petitioner is at



liberty to approach the respondent with a representation to inform the status of the loan amount payable by the petitioner and if the respondent agrees for repayment, the petitioner should work out her remedy only with the respondent. The respondent is directed to furnish the status of the loan alone and the amount, if any repaid or to be repaid and then the total amount payable by the petitioner along with interest and the loan amount as on today. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The General Manager (In Charge),
The Paramakudi Co-operative
Urban Bank Limited,
Ramanathapuram District.

+One cc to Mr.R.Anand, Advocate, SR.No.63764

+One cc to The Special Government Pleader, SR.No.64429

is/RR
RL/4C/2P/SV/SAR3/21/7/2017

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