

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT PETITION No.40205 of 2016

ORDER : (per Hon'ble Sri Justice Sanjay Kumar)

This writ petition was filed assailing the action of Indian Overseas Bank in not receiving the repayment towards three loan accounts, being two Term Loans and one Educational Loan, which stood in the names of the petitioners. The petitioners sought a consequential direction to the Bank to release the mortgage documents and execute a registered release deed in relation to such mortgaged properties.

2. The grievance of the petitioners is that the respondent – Bank was linking the outstanding dues of M/s. Manishankar Industries, a Partnership Firm in which they were partners hitherto, notwithstanding the fact that they had retired from the said Firm.

3. In its counter, the Indian Overseas Bank denied the petitioners' contention that it had refused to accept the payments towards their Loan Accounts and was coercing the petitioners to clear the dues of M/s. Manishankar Industries. The Bank stated that it had never clubbed the business loan account obtained by the petitioners in the name of M/s. Manishankar Industries with their three individual loan accounts. The Bank further stated that out of the three loans,

the Educational Loan had been closed on 29.05.2017 and the remaining two Term Loans were still outstanding.

4. In the light of the aforestated facts, it is clear that the petitioners would necessarily have to discharge the two loans outstanding as on date and only thereafter seek release of their title documents and execution of a release deed.

5. The writ petition is disposed of leaving it open to the petitioners to seek the said relief from the Bank as and when they close the Term Loan Accounts. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.



SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

11.07.2017.
Msr

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