

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2990 of 2017

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Sandhya Devi @ Sandhya Singh, wife of Late Sudhir Kumar, Son of Rana Pratap Singh, Resident of Village-Koeribari Nadaraganj, P.S. Civil Line, District Gaya, at present Flat no. 303, Sri Raj Complex, Dujra, P.S. Budha Colony, District Patna.

.... Petitioner

Versus

1. The State Bank of India Head Office, Mumbai through its Chairman.
2. The Chairman State Bank of India, Head office, Mumbai.
3. The Chief General Manager, S.B.I. Local Head Office, Gandhi Maidan, Patna.
4. State Bank of India, Main Branch, Patna R.A.C.P. Gandhi Maidan Patna through its Authorized Authority.
5. Authorised Authority State bank of India Main Branch Patna R.A.C.P. Gandhi Maidan, Patna.
6. Branch Manager, S.B.I. Saguna Branch, Patna.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Mritunjay Prasad Singh Mr. Sanjeev Kumar Nirala, Advocates.
For the S.B.I.	:	Mr. Kaushlendra Kumar Sinha Mr. Anjai Kumar Mishra, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

Heard learned counsel for the petitioner and learned
counsel for the State Bank of India.

2. The present writ petition has been filed for the
following reliefs:

“(i) For issuance of writ of Mandamus commanding the respondent authorities to pay and cover the entire remaining premium of the home loan Insurance (Life) (in short “S.B.I. Life”) of the deceased husband namely Sudhir Kumar of the petitioner.

(ii) For issuance of writ of Mandamus not to demand in future for repayment of the instalment, if any, against the S.B.I. Life home loan of deceased husband of the petitioner.



(iii) For issuance of such other appropriate writ or order or direction for the ends of justice.”

3. Learned counsel for the petitioner submits that the petitioner’s husband had obtained a Home Loan (Rs. 14,61,000/-) with a built in option of Home Loan Insurance cover (Rs. 37,845/-) for a total amount of Rs. 14,98,845/-. Such loan was taken on 04.04.2014 and Account Nos. 33760861368 (S.B.I. Home Loan) and 33760863105 (S.B.I. Suraksha) were opened. The husband of the petitioner died on 23.07.2015 and it is submitted that by virtue of the Insurance cover, the surviving members were not liable for repayment of the remaining part of the loan. However the petitioner has been required by the Bank to make payment of the remaining part of the instalments of the Home Loan which, it is submitted, is wholly arbitrary and illegal.

4. Learned counsel for the respondent-Bank, on the other hand, relies on the counter affidavit to state that the petitioner’s husband had not exercised his option by filling up his separate form and hence his Home Loan was not covered with any insurance. As such the legal heirs of the petitioner’s husband are liable to pay the entire outstanding of the Bank which has now become NPA. It is therefore submitted that action under SARFAESI Act has rightly been taken for recovery of the dues owing to the Bank.

5. having heard the parties and on consideration of the materials on record, this Court finds the writ petition to be devoid of any merit. The petitioner has not enclosed any material or statement



of account relating to S.B.I. Suraksha to support the claim that the Home Loan was covered under Insurance or that the mandatory option for the Insurance cover had been exercised by petitioner’s husband. A categorical denial in this regard made in the counter affidavit has also not been controverted and no rejoinder has been filed on behalf of the petitioner. In the above circumstances, the petitioner has failed to demonstrate that the benefit of the Insurance cover was available to the petitioner.

6. The writ petition accordingly stands dismissed.

7. I.A. No. 4019 of 2017 has been filed for stay of operation of notice dated 04.05.2017 issued under Section 13(2) of the SARFAESI Act. The same is infructuous and also stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	N.A.

