

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2018

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

Contempt Petition No.1420 of 2017

M.Sampath

... Petitioner

Vs.

Thiru D.Palanisamy,
Branch Manager,
Indian Overseas Bank,
Pappireddipatti Branch,
Pappireddipatti Taluk,
Dharmapuri District.

... Respondent

Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for willful disobedience of the order dated 29.02.2016 in W.P.No.35540 of 2015 passed by this Court.

For Petitioner

: Mr.P.Ganesan

For Respondent

: Mr.F.B.Benjamin George

ORDER

This Court by order dated 29.02.2016 disposed of the Writ Petition in W.P.No.35540 of 2015. The operative portion of the order passed by this Court reads as follows_

"7.In view of the submission made by the learned Standing Counsel appearing for the respondent Bank and without going into the merits of the claim of the petitioner, this Court directs the petitioner to approach the respondent Bank and furnish security to the satisfaction of the respondent Bank, within a period of two weeks, from the date of receipt of a copy of this order. After furnishing the

same, the respondent Bank is directed to consider the application of the petitioner, dated 4/7/2015 and a reminder, dated 3/10/2015, within a period of four weeks, from the date of the petitioner approaching the respondent Bank. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner."

2.The present contempt petition has been filed by the petitioner alleging non-compliance of the said order dated 29.02.2016 passed by this Court.

3.Today, when the matter is taken up for consideration, a counter affidavit was filed by the respondent through his counsel, wherein it has been stated as follows_

'7. I state that the petitioner did not turn up thereafter. Instead he sent a representation dt 14.03.2016 by registered post and also lodged a complaint to the Ministry of Financial Services which was registered on 14.07.2016. The said complaint was forwarded to the respondent bank and therefore, the respondent caused valuation of the property personally identified by the petitioner. As already stated the sale deed produced shows that the property is Grama Natham and the valuation report was obtained on

01.11.2016. As per the said report, the open market value of the property is Rs.12,50,000/- and the forced sale value of the property is Rs.10 lakhs only. As already stated the loan amount sought for was Rs.25,90,000/- and the total liability including interest component on account of deferred payment would be around Rs.35 lakhs. Therefore, I called the petitioner over phone and advised him to furnish adequate security to enable the respondent to consider the loan application. In this connection, it is not out of place to mention here that after the order dt. 29.02.2016, no fresh security was offered and what was offered was the one which was submitted along with the loan application.

8.I state that thereafter the petitioner issued a notice through his Lawyer and also filed the present Contempt Petition. On receipt of the notice in the Contempt Petition, once again I contacted the petitioner and he met me personally somewhere during October 2017. I have personally informed the petitioner that in the absence of adequate security, the bank is not in a position to consider the loan application and advised him to furnish fresh security to the satisfaction of the bank as directed by this Hon'ble Curt. I have also requested him to furnish the order details such as mark sheet for the 1st and 2nd year. However, the

petitioner did not turn up thereafter.

9.As already stated I have great respect of this Hon'ble Court and I have not disobeyed any of the orders of this Hon'ble Court. In the current situation where the Medical Council of India is enforcing strict measures to stream line the medical education and through screening test conducted by MCI to foreign University Students to become eligible to get themselves registered with MCI and also in the light of increased education loan NPAs, the respondent has a prudent banker cannot sanction such a huge loan without adequate security. The petitioner did not comply with the directions of this Hon'ble Court to furnish security to the satisfaction of the respondent Bank. Instead the petitioner is trying to arm-twist the respondent by using the present contempt petition as a liver to force me to sanction the loan without offering any adequate security. "

4.Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

5.Having regard to the statements made in the counter affidavit filed by the respondent and the submissions made on either side, this Court is of the opinion that since the petitioner has not furnished sufficient security for the

loan amount to the satisfaction of the Bank, he is not entitled to the relief as sought for. The present contempt petition cannot be entertained.

Accordingly, this Contempt Petition is dismissed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
ssv

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/14/09/2018

one cc to Mr.F.B.Benjamin George, Sr.NO.8342

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