

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.40129 of 2015

and

MP.Nos.1 & 2 of 2015 and WMP.No.5083 of 2019

N.Ellammal

...Petitioner

Vs.

1.The Branch Manager
State Bank of India
A.Mallapuram Branch
A.Mallapuram (Village and Post)
Palacode Taluk
Dharmapuri District
Pin-636 801.

2.The Regional Manager
State Bank of India
Regional Business Office
No.II, 1st Floor
Ramakrishna Road,
Srirangapalayan, Salem-636 007.

3.The Deputy General Manager
State Bank of India
Zonal Office,
P.B.No.3897, Kurinji Complex
State Bank Road
Coimbatore - 641 018.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned orders of the 1st respondent in proceeding dated 07.06.2015 and letter dated nil of the 1st respondent and quash these letters and consequently, direct the respondents to calculate as per the Hon'ble Court order passed in WP.No.7168 of 2013 dated 27.02.2015, within three months.

For Petitioner : Mr.L.Chandrakumar
for Mr.P.Rajesh

For Respondents: Mr.S.Sethuraman
for R1

O R D E R

The petitioner is aggrieved against the order of the 1st respondent dated 07.06.2015, wherein and whereby, the respondent-Bank refused to extend the interest concession for the housing loan. Consequently, the petitioner sought for a direction to the respondents to calculate the interest as per the order passed by this Court in WP.No.7168 of 2013 dated 27.02.2015.

2. When this writ petition was taken up for hearing, this Court, by an order dated 22.02.2019 referred the matter to the Tamil Nadu Mediation and Conciliation Centre, High Court, Madras for the appearance of the parties to settle their dispute. Accordingly, the parties appeared before the Mediation Centre, where, they have entered into a settlement of dispute dated 26.03.2019. By enclosing the said settlement of dispute, the Mediation Centre of this Court has returned the case back to this Court for passing appropriate orders.

3. Mr.L.Chandrakumar, learned counsel for the petitioner as well as Mr.S.Sethuraman, learned counsel for the 1st respondent-Bank submitted that in view of the agreement of settlement of dispute arrived at between the parties, this writ petition may be disposed of in terms of such settlement, which reads as follows:

"The parties arrive at a settlement of dispute in WP.No.40129 of 2015 on following terms:

(a) Both the parties agree that the petitioner shall pay a sum of Rs.5,90,000/- (Five Lakhs and Ninety Thousand Only) towards full and final settlement of following loan accounts with the 1st respondent Branch.

(i) Housing Loan Account in A/c.No.11497147956 in the name of Late C.Noorandan.

(ii) Education Loan Account in A/c.No.30611443469 in the name of N.Gokul.

(iii) Education Loan Account in A/c.No.31617199823 in the name of N.Sudha.

(b) The petitioner shall pay outstanding amount of Rs.4,81,398/- (Four Lakhs Eighty One Thousand Three Hundred and Ninety Eight) under the Housing Loan Account before 30.06.2019 with subsequent interest from 19.03.2019 to till the actual payment.

(c) The 1st respondent agrees to receive Rs.1,08,602/- (One Lakh Eight Thousand Six Hundred and Two only) towards full quit of the

said two educational loans as against outstanding due of Rs.3,58,381/- (Three Lakhs Fifty Eight Thousand Three Hundred and Eighty One Only) as on 18.03.2019.

(d) The said sum of Rs.1,08,602/- shall be paid by the petitioner on or before 30.03.2019.

(e) The said sum of Rs.1,08,602/- shall be paid by the petitioner in the savings bank account of her son namely Mr.N.Kannan and the same shall be transferred to the Educational loan accounts by the 1st respondent for closure of the same. The petitioner shall co-operate for the transfer of the above said sum from the SB account of her son by reporting in the 1st respondent bank with her son.

(f) The 1st respondent on receipt of Rs.5,90,000/- in the manner mentioned above shall close all the three loan accounts mentioned above and handover the original title documents deposited by the petitioner's husband deceased C.Noorandan as a security for the above said Housing Loan Account.

(g) In order to complete the formalities of handing over the title documents the petitioner along with her legal heirs shall produce legal heir ship certificate, Death Certificate and also execute indemnity bond, affidavit and other necessary documents for handing over of title documents deposited by the petitioner's husband deceased C.Noorandan.

(h) The 1st respondent has no other dues or claim against the petitioner as on today except the amounts due above mentioned three loan accounts. The 1st respondent undertakes to return all original deposited by the petitioner's husband deceased C.Noorandan within three weeks from the date of production of documents mentioned in Clause G.

(i) On payment of the entire amount by the petitioner as mentioned above the 1st respondent Bank shall drop all legal proceedings initiated against the petitioner or the legal heirs of C.Noorandan for recovery of above said loan amount.

(j) In case of default in payment of any of the installments mentioned above this compromise stands cancelled and the 1st respondent Bank are entitled to proceed against the petitioner and the legal heirs of the deceased in the manner known to law."

4. Accordingly, this writ petition is disposed of, in terms of settlement of dispute arrived at between the parties as stated supra. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

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State Bank Road
Coimbatore - 641 018.

+1cc to Mr.P.Rajesh, Advocate SR.No.32872

+1cc to Mr.S.Sethuraman, Advocate SR.No.32939

W.P.No.40129 of 2015

VD(CO)
GMY(22/05/2019)