



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).Nos.9290 & 9296 of 2020

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and W.M.P.(MD).Nos.8462, 8465, 8467 & 8468 of 2020

P.Rajaram .. Petitioner in W.P.(MD).No.9290 of 2020

P.Raju .. Petitioner in W.P.(MD).No.9296 of 2020

Vs.

The Branch Manager,
Lakshmi Vilas Bank Ltd.,
Rajendran Branch,
Kulithalai Taluk,
Karur District.

.. Respondent in both writ petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the auction proceedings of the respondent in so far as Serial No.1 & 2 and quash the same and consequently, direct the respondent to receive the loan dues and release the Jewels to the petitioner.

For Petitioner : Mr.K.Govindarajan

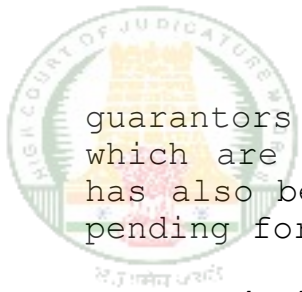
For Respondent : Mr.K.C.Maniyarasu for Mr.Muthiya
Standing counsel
(in both petitions)

COMMON ORDER

These writ petitions have been filed challenging the auction notices issued by the respondent pertaining to the petitioners' jewels, which were given as a security to the respondent, while the respective petitioners availed two jewel loans in the year 2018, in account Nos.0604773000025189 and 0604773000024647 respectively.

2.Heard Mr.K.Govindarajan, learned counsel for the petitioners in both petitions and Mr.K.C.Maniyarasu for Mr.Muthiya, learned Standing counsel for the respondent bank.

3.The learned counsel for the petitioner on instructions would submit before this Court that the respective petitioners are prepared to discharge both the jewel loans by paying the outstanding amount to the respondent. On instructions, the learned counsel for the petitioners, submits that the respective petitioners have no objection for the respondent exercising lien in respect of the other loan account, in which the respective petitioners stood as



guarantors for the loan availed by one Jeya and one M.Vellaisamy, which are the subject matter of the suit O.S.No.41 of 2017, which has also been decreed on 04.03.2020 and O.S.No.42 of 2017, which is pending for consideration before the Sub Court, Kulithalai.

4.The respondent bank has also filed its counter affidavit before this Court in both the writ petitions. In so far as W.P.(MD).No.9290 of 2020 is concerned, where Mr.P.Rajaram is the petitioner and the borrower, according to the respondent, as on 17.08.2020, Mr.P.Rajaram is liable to pay a sum of Rs.1,79,896/- towards the discharge of the jewel loan account No. 0604773000025189. In so far as W.P.(MD).No.9296 of 2020 is concerned, the respondent has stated that Mr.P.Raju, the petitioner and borrower is liable to pay as on 17.08.2020, a sum of Rs.4,29,691/- towards the discharge of the jewel loan availed by him in account No. 0604773000024647.

5.Since the respective petitioners have agreed to discharge the loan by paying the outstanding amount as demanded by the respondent and they have also given their no objection for the respondent exercising their bankers lien over their jewels in respect of the other loan availed by Jeya and Vellaisamy, these writ petitions can be disposed of by issuing the following directions.

a) The petitioner in W.P.(MD).No.9290 of 2020 shall pay a sum of Rs.1,79,896/-, which is due as on 17.08.2020 to the respondent, together with accrued interest and costs as demanded by the respondent in accordance with the loan contract on or before 31.10.2020 and on such payment, the respondent are directed to release the security documents back to the petitioner forthwith and close the loan account bearing Account No.0604773000025189.

b) The petitioner in W.P.(MD).No.9296 of 2020 shall pay a sum of Rs.4,29,691/-, which is due as on 17.08.2020 to the respondent, together with accrued interest and costs as demanded by the respondent in accordance with the loan contract on or before 31.10.2020 and on such payment, the respondent bank is directed to release the security documents back to the petitioner forthwith and close the loan account bearing Account No.0604773000024647.

c) The respondent bank can exercise lien over the jewels pledged by the respective petitioners under loan account Nos. 0604773000025189 and 0604773000024647, for non payment of the agricultural crop loans availed by the principal borrowers Jeya and Vellaisamy respectively from the respondent, wherein the respective petitioners stood as guarantors shall continue to remain in force, subject to the result of the suits initiated by the respondent bank.

6.With the aforesaid directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

7.It is made clear that if the petitioners fails to pay the amount mentioned in paragraphs (a) and (b) supra, these writ



petitions shall stand dismissed automatically.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

The Branch Manager,
Lakshmi Vilas Bank Ltd.,
Rajendran Branch,
Kulithalai Taluk,
Karur District.

+2 CC to M/s.S.I. MUTHIAH, Advocate(SR-19802[F],
19801 dated 12/10/2020)

W.P (MD) .Nos.9290 & 9296 of 2020
09.10.2020

KG (CO)

KB(16.10.2020) 3P 4C