



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.9381 of 2020

and

W.M.P. (MD) .Nos.8531 to 8533 of 2020

WEB COPY

C.Vignesh

...Petitioner

Vs.

State Bank of India,
through its Branch Manager,
RACPC, "Madhuram Complex",
No.2, Dr.Ambedkar Road,
Ground Floor, Zonal Office Building,
Madurai-625 002.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 31.07.2020 issued in "The Sunday Express" on 02.08.2020 quash the same, as the same is arbitrary, ultravires, contrary to law, principles of equity and direct the respondent to return back the vehicle bearing Registration Number. TN 58BA 5946 to the petitioner on receipt of the installments for the months February 2020 to till date inclusive of the penalty.

For Petitioner	:	Mr.R.G.Shankar Ganesh
For Respondent	:	Mr.Palaramasamy
		Standing counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the respondent-Bank.

2. The petitioner is a practising Doctor. He had availed car loan to the tune of Rs.7,50,000/-. The petitioner however committed default in payment of the monthly instalments. Therefore, the respondent-Bank took recovery action and re-possessed the petition mentioned vehicle. Seeking its return, this Writ Petition came to be filed.

3. The learned Standing counsel appearing for the respondent-Bank submitted that the petitioner is not residing at the address given in the loan application. He would also point out that the vehicle in question had been removed without the knowledge of the respondent and it was said to have been plied as a tourist vehicle. More than anything else, the Cibil report pertaining to the petitioner indicates his gross indebtedness. The petitioner is said to have availed as many as eight personal loans. The learned



Standing Counsel called upon this Court to bear in mind the interest of the Bank before considering the petitioner's request.

4. This Court cannot be unmindful of the apprehension raised by the learned standing counsel. This Court called upon the petitioner's counsel to address those concerns. The petitioner's counsel submitted that the petitioner is now ready with a Demand Draft for a sum of Rs.1,27,506/-. The petitioner would hand over the same to the respondent-Bank immediately after receiving the order copy of this case. Thus the outstanding arrears would be cleared. The petitioner would clear the balance liability in regular monthly instalments as originally agreed by him. The petitioner undertakes that he will not commit any default in future. The petitioner's counsel further stated that the petitioner would file an affidavit before this Court and serve a copy of the same to the respondent. I make it clear to the petitioner that the relief is being granted to the petitioner only on the strength of the undertaking now given before this Court through his counsel. If this undertaking is breached, this Court will not hesitate to initiate *suo motu* contempt action against the writ petitioner herein. The petitioner's counsel states that the petitioner is agreeable to the suggestion proposed by this Court. Since the petitioner undertakes to clear all the outstanding liabilities i.e., by handing over the Demand Draft for a sum of Rs,1,27,506/- and would promptly pay the remaining instalment dues based on the said undertaking, I direct the respondent to return the petition mentioned vehicle to the petitioner herein.

5. The petitioner is obliged to pay the yard charges and recovery charges also. The learned Standing counsel quantifies the same at Rs.12,360/-. The petitioner shall pay the said amount also immediately and if unable to do so, the same will be included in the next monthly instalment.

6. The writ petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

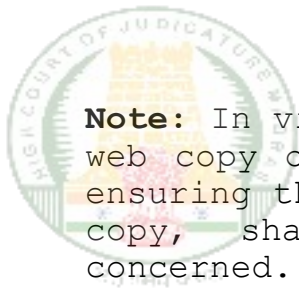
Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

tsg



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.

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ORDER MADE IN
W.P. (MD) .No.9381 of 2020
25.08.2020

SPU (01.09.2020) 3P 1C