



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10585 of 2020

Karuppaiah

... Petitioner

Vs.

1. The Lead District Manager,
Lead Bank Office,
Pudukkottai.

2. The Branch Manager,
Canara Bank,
Karur Branch,
Pudukkottai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to return the petitioner's jewels on repayment in jewel loan A/c.No.1773101504882 - ID 69921969 based on his representation dated 01.07.2020.

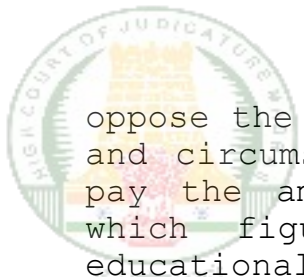
For Petitioner : Mr.M.Ramu
For Respondents : Mr.N.Dilipkumar

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondents/Bank.

2.The petitioner has availed jewel loan from the respondents/Bank. He is ready to pay the entire outstanding so that he can redeem the same. But the respondents have taken a stand that unless the petitioner pays a sum of Rs.92,000/- more, the pledged jewels will not be returned even if the account had been redeemed. The learned standing counsel points that the petitioner had also availed educational loan for his son to the tune of Rs.2,50,000/-. The dues payable under the said account has mounted to Rs.92,000/- (Rupees Ninety Two Thousand Only).

3.I am able to appreciate the stand of the respondents. The petitioner had entered into two transactions. Unless the petitioner is able to clear both, the respondents cannot be compelled to part with the security. The petitioner's counsel states that the petitioner apart from clearing liability under the jewel loan account would pay a sum of Rs.92,000/- (Rupees Ninety Two Thousand Only) in respect of the educational loan account. For doing this, he wants exactly three months from the date of receipt of a copy of this order. Though the learned standing counsel for the bank would



oppose the said request, I am of the view that considering the facts and circumstances of the case, the petitioner can be permitted to pay the amount of Rs.92,000/- (Rupees Ninety Two Thousand Only) which figure represents the over due amount in respect of educational loan account. If the petitioner clears the jewel loan account in full and also pays a further amount of Rs.92,000/- (Rupees Ninety Two Thousand Only) within a period of three months from the date of receipt of a copy of this order, the respondents are directed to return the jewels to the petitioner immediately thereafter. The petitioner's counsel on instructions gives an undertaking under no circumstance he will apply for extension of time. The Registry is directed to not number any application that may be filed by the petitioner in this regard.

4.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

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, Canara Bank,
Karur Branch, Pudukkottai District.

Copy to: 1. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

2. The Sub Assistant Registrar(Writ A.E),
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.N.DILIPKUMAR, Advocate SR-15725.

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01.09.2020

CS (10.09.2020) 2P 5C