



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.10561 of 2020

Thamaraipushpam

... Petitioner

Vs.

1. The Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis,
Chennai - 600 001.

2. The Manager,
The Karur Visya Bank,
Somanur Branch,
Coimbatore.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to allow the petitioner to redeem the jewels from the loan account No.1279917000104169, A/c. No.1279917000104184, A/c.No.1279917000102664, A/c.No.1279917000104141 from the main A/c.No.1279-155-6814, within the time stipulated by this Court.

For Petitioner : Ms.K.M.Priscilla Jancy
For R-2 : Mr.Pala Ramasamy
For R-1 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the second respondent/Bank.

2. The writ petitioner is one Thamaraipushpam. She had a son by name Babu. The said Babu got married to one Kavitha. They were blessed with a child by name Akshaya. The petitioner's son as well as the daughter-in-law died in the years 2016 and 2017. The petitioner's son had pledged jewels with the second respondent bank and the petitioner wants to redeem the same.

3. The learned Standing counsel appearing for the second respondent bank informs this Court that the bank is unable to permit such redemption because of the objection raised by one Jeyaseelan who is none other than the brother of Kavitha, daughter-in-law of the petitioner herein.

4. The stand taken by Kavitha's family is that the jewels in question were given as ' Seedhana ' and that they do not belong to the petitioner's son. Since such disputes over the ownership of the



pledged items have arisen, the second respondent bank cannot obviously permit redemption by the petitioner herein. The petitioner ought to have made the objector as a respondent in this writ petition.

5. The petitioner has to necessarily file a Succession Original petition or any other appropriate proceedings before the jurisdictional civil Court to obtain relief. In the said proceedings, the petitioner will have to necessarily make the objector as a party. The petitioner cannot seek to get an order behind their back.

6. Therefore, with the aforesaid liberty and observation, this writ petition stands dismissed. I make it clear that I have not gone into the merits of the matter. All the rights and remedies of the petitioner are left open. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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:

1. The Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis,
Chennai - 600 001.

2. The Manager,
The Karur Visya Bank,
Somanur Branch,
Coimbatore.

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