



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.17733 of 2020

and

W.M.P. (MD) .No.14811 of 2020

(Through Video Conferencing)

WEB COPY

1.G.Sharmila Devi

2.Muruganandham

... Petitioners

Vs

The Branch Manager,
Tamil Nadu Grama Bank,
(Previously Tamilnadu Pandiyan Grama Bank),
Ramanathapuram Branch-5131,
Ramanathapuram.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to permit the petitioners to redeem the jewel loans standing in the name of the petitioners' mother, Panjavarnam, such as 1. 10099009141, 2. 851900715, 3. 10098051220, 4. 741903439, 5. 10099591877, 6. 10099593669, 7. 851901442, 8. 10094991756.

For Petitioners : Mrs.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

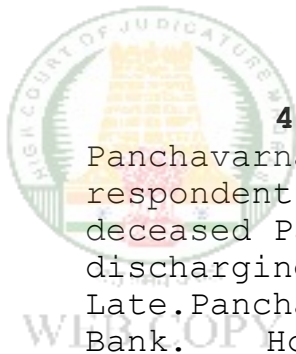
For Respondent : Mr.N.Dilipkumar
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to permit the petitioners to redeem the jewel loans standing in the name of the petitioners' mother, Panjavarnam, in the jewel loan Account Numbers such as 1. 10099009141, 2. 851900715, 3. 10098051220, 4. 741903439, 5. 10099591877, 6. 10099593669, 7. 851901442 and 8. 10094991756.

2. Mr.N.Dilip Kumar, learned Standing Counsel accepts notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard Mrs.Lakshmi Gopinathan, learned counsel for M/s.Polax Legal Solutions for the petitioners and Mr.N.Dilip Kumar, learned Standing Counsel for the respondent.



4. It is the case of the petitioners that their mother Panchavarnam availed the aforementioned jewel loans with the respondent Bank. The petitioners are the legal heirs of the deceased Panchavarnam, who died on 25.06.2020. They are desirous of discharging all the jewel loans availed by their mother Late.Panchavarnam by paying the outstanding dues to the respondent Bank. However, it is their case that the respondent is not permitting the petitioners to discharge the loan without any condition. It is their case that the respondent is insisting the petitioners for production of local sureties to enable them to discharge the loan of their mother Late.Panchavarnam. According to them, there is no necessity for them to provide local sureties. In such circumstances, this Writ Petition has been filed.

5. Mr.N.Dilip Kumar, learned Standing counsel for the respondent, on instructions, would submit that the respondent is willing to permit the petitioners to discharge the jewel loans of their mother Late.Panchavarnam, if the petitioners provide a Letter of Undertaking and an Indemnity in favour of the respondent and that there is no necessity to provide any local surety.

6. For this, the learned counsel for the petitioner on instructions, would submit that the petitioners are willing to provide a Letter of Undertaking as sought for by the respondent as well as an Indemnity Bond.

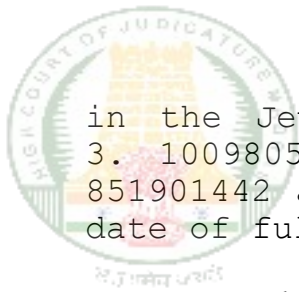
7. Since it is sufficient for the petitioners to produce Letter of Undertaking and Letter of Indemnity, this Court is of the considered view that a direction can be issued to the respondent Bank to permit the petitioners to pay the outstanding dues as well as issue the Letter of Indemnity and the Letter of Undertaking as sought for by the respondent for the purpose of redeeming the jewels which were pledged by their mother Late. Panchavarnam.

8. For the foregoing reasons, this Court directs the respondent to return back the jewels to the petitioners, on condition that:-

"(a).the petitioners pay the outstanding dues payable under the Jewel Loan Account Nos.1. 10099009141, 2. 851900715, 3. 10098051220, 4. 741903439, 5. 10099591877, 6. 10099593669, 7. 851901442 and 8. 10094991756 standing in the name of their mother Late.Panchavarnam

(b) the petitioners shall execute an Indemnity Bond and Letter of Undertaking as sought for by the respondent. "

9. On fulfillment of the above mentioned conditions, the respondent is directed to return the jewels pledged by Late. Panchavarnam, mother of the petitioners for availing the jewel loans



in the Jewel Loan Account Numbers 1. 10099009141, 2. 851900715, 3. 10098051220, 4. 741903439, 5. 10099591877, 6. 10099593669, 7. 851901442 and 8. 10094991756, within a period of two weeks from the date of fulfillment of the aforementioned conditions.

10. With the aforesaid direction, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /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.

TO

The Branch Manager,
Tamil Nadu Grama Bank,
(Previously Tamilnadu Pandiyan Grama Bank),
Ramanathapuram Branch-5131,
Ramanathapuram.

+1 CC to M/s.POLAX LEGAL SOLUTION, Advocate (SR-24193
[F] dated 07/12/2020)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-24231[F]
dated 07/12/2020)

W.P. (MD) No.17733 of 2020
07.12.2020

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MJ (CO)

KK(17.12.2020) 3P 4C