



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17996 of 2020

and

W.M.P. (MD)No.15009 of 2020

WEB COPY

Lakshmi Sankari

... Petitioner

Vs.

1.The Inspector of Police,
Virudhunagar Bazar Police Station,
Virudhunagar.

2.The Manager,
ICICI Bank,
Virudhunagar District,
Virudhunagar - 626 001.

3.Recovery Officer,
ICICI Bank,
Virudhunagar District,
Virudhunagar - 626 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to return the petitioner's ornaments listed in the table on the payment of loan amount with interest in Jewel Loan Account No.052905005365 in the name of my husband .i.e., Jithin.

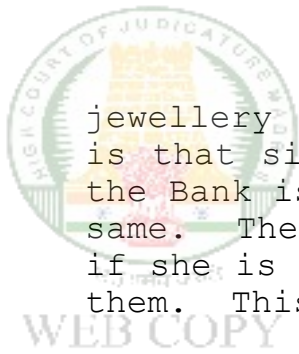
For Petitioner : Mr.K.Prabhu

For Respondents : Mr.C.Ramar,
Additional Government Pleader for R1
Mr.Alaguram Jothi for R2 & R3.

ORDER

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned standing counsel appearing for the second and third respondents.

2.The petitioner got married to one Jithin. Two children were born through the marriage. Due to some matrimonial issue, the petitioner's husband is said to have murdered the two children. He is in prison as an under trial prisoner. It is seen that the jewellery belonging to the petitioner had been pledged by the petitioner's husband with ICICI Bank. The current loan liability comes to Rs.12,76,500/-. The apprehension of the petitioner is that if the loan account is not closed, the same will be brought to auction. The petitioner's counsel states that the value of the



jewellery is much more. The stand of the learned standing counsel is that since the account was created by the petitioner's husband, the Bank is not in a position to permit the petitioner to redeem the same. The petitioner through her counsel gives an undertaking that if she is permitted to redeem the jewellery, she will not alienate them. This undertaking given by the petitioner is placed on record.

3. In view of the aforesaid undertaking, I permit the petitioner to pay the amount of Rs.12,76,500/- to the second respondent. The second respondent after receiving aforesaid amount from the petitioner shall hand over the jewellery to the petitioner under due acknowledgement. The petitioner is also directed to execute an indemnity bond. The indemnity bond will be prepared in two sets. One set will be with the second respondent and other set will be filed before the Registry of this Court.

4. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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 Inspector of Police,
Virudhunagar Bazar Police Station,
Virudhunagar.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.SPL GP (SR-2170[F] dated 27/01/2021)

+1 CC to M/s.K.PRABHUA, Advocate (SR-2249[F] dated 27/01/2021)

W.P(MD)No.17996 of 2020

25.01.2021

(TP)CO

AP(10/02/2021) 2P 5C

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