



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P (MD) No.7998 of 2018

and

W.M.P. (MD) .Nos.7594 and 13528 of 2018

WEB COPY

Kavitha

... Petitioner

Vs.

The Branch Manager,
Dindigul Central Co-operative Bank Limited,
Madurai Road, Begambur Branch,
Dindigul.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondent from dispossessing the petitioner from the house property situated at Door No.48, S.No.214, Pallapatti Village, Dindigul District without following due process of law in the guise of non-payment of the loan amount without submitting any proper accounts.

For Petitioner : Mr.J.Anandkumar

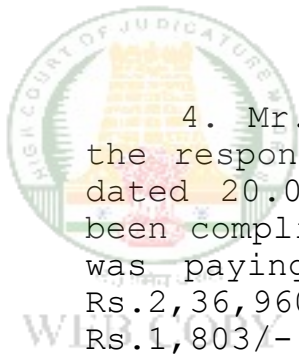
For Respondent : Mr.D.Shanmugaraja Sethupathi

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, forbearing the respondent from dispossessing the petitioner from the house property situated at Door No.48, S.No.214, Pallapatti Village, Dindigul District without following due process of law in the guise of non-payment of the loan amount without submitting any proper accounts.

2. Heard Mr.J.Anandkumar, learned counsel appearing for the petitioner and Mr.D.Shanmugaraja Sethupathi, learned Counsel appearing for the respondent.

3. When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that the petitioner's husband passed away in the month of July, 2020. He further submitted that this Court by order dated 20.04.2018 has passed an order of interim stay on condition that the petitioner shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) and that the interim order has already been complied with. He further submitted that since there is no records available with the petitioner, she is unable to ascertain the exact amount payable to the respondent Bank.



4. Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the respondent Bank submitted that the interim order of this Court dated 20.04.2018 with regard to the payment of Rs.1,00,000/- has been complied with within the time and that the petitioner's husband was paying the loan as monthly installment and that a sum of Rs.2,36,960/- is due as on date apart from overdue interest of Rs.1,803/-. He further submitted that since the petitioner is paying the amount in installments on the correct date, the writ petition may be closed and in case of any default, the respondent Bank may be given liberty to be proceed in accordance with law.

5. From the submissions made by the parties, it is clear that the petitioner is paying the due amount as monthly installment on correct date. Hence, no further order is required.

6. Therefore, recording the submissions made by the parties, this writ petition stands closed with liberty to the respondent Bank to proceed against the petitioner, in case any default occurs in future in paying the installment. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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,
Dindigul Central Co-operative Bank Limited,
Madurai Road, Begambur Branch,
Dindigul.

W.P (MD)No.7998 of 2018

MA (CO)

CS (14.12.2020) 2P 2C