



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.10818 of 2011
and MP.No.1 of 2011

1. K.Lakshmi
2. K.Kuppusamy ... Petitioners

Vs

1. The State Bank of India,
Rep.by its Branch Manager,
Veerapandi, Palladam Road,
Tirupur.
2. The State Bank of India,
Life Insurance,
Veerapandi,
Palladam Road, Tirupur. ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the first respondent from initiating any legal proceedings to recover the housing loan amount paid in favour of the second petitioner and his brother in Ref.No.A/C 30759950819 dated 09.05.2009 by the first respondent without adjusting the loan amount from the insurance policy taken from the second respondent and consequently refund a sum of Rs.2,63,929/- adjusted from the Account in C/C.No.10235157199 in the name of M/s.Sureka process in the first respondent bank.

For Petitioners : Mr.G.Ethirajulu

For R1 : Mr.K.Chandrasekaran

For R2 : Mr.S.Masilamani



O R D E R

The prayer made in this writ petition is to forbear the first respondent from initiating any legal proceedings to recover the housing loan amount paid in favour of the second petitioner and his brother vide A/C No. 30759950819 dated 09.05.2009 without adjusting the loan amount from the insurance policy taken from the second respondent and consequently refund a sum of Rs.2,63,929/- adjusted from the current account bearing No.10235157199 standing in the name of M/s.Sureka Process.

2.Upon notice, the first respondent filed a detailed counter affidavit, stating inter alia that the first respondent already initiated recovery proceedings against the second petitioner and the legal heirs of the deceased Kalliappan in O.A.No.120 of 2015 before the DRT, Coimbatore and the same was subsequently, disposed of and hence, the relief sought for by the petitioners in this writ petition has become infructuous.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioners submitted that the petitioners have entered into a settlement with the first respondent bank and hence, the writ petition may be closed. However, the learned counsel sought liberty to the petitioners to agitate their claim, if any, before the authority concerned by appropriate application with necessary details.

4.Granted such liberty to the petitioners, this writ petition stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Branch Manager,
The State Bank of India,
Veerapandi, Palladam Road,
Tirupur.



2. The State Bank of India,
Life Insurance,
Veerapandi,
Palladam Road, Tirupur.

+1cc to M/s.K.Chandrasekaran, Advocate, S.R.No.38336

+1cc to M/s.G.Ethirajulu, Advocate, S.R.No.38737

W.P.No.10818 of 2011

JP-II(CO)

SB(24/09/2021)