



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16953 of 2015

and

M.P.No.1 of 2015

S.Govindarajulu

... Petitioner

.Vs.

1. The Manager,
Repco Home Finance Ltd.,
Flat No.1/8, First Floor,
Pancharatna Apartments,
Welcome Colony,
Thirumangalam,
Anna Nagar West,
Chennai - 600 101.

2. D.Sugunasundari

... Respondents

[R2 impleaded as per the order of this Court
dated 21.10.2021 in W.M.P.No.18395 of 2016
in W.P.No.16953 of 2015]

Prayer :

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent made in his proceedings Ref. No.NCH352/Writ dated 19.5.2015 and quash the same and consequently direct the respondent to return all original title documents of the property to the petitioner in respect of property bearing Door No.370, 11th Street, Sharma Nagar, Vyasarpadi those were deposited in respect of loan account Nos.1171860000352 and 1171860000416.



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For Petitioner : Mr.S.Angamuthu

For R1 : Mr.V.V.Ravichandran
for Mr.C.R.Suresh Kumar

O R D E R
(Through Video Conferencing)

The order passed by the respondent Bank, holding that the settlee is entitled to get back the original documents which were mortgaged with the Bank and the release of original documents are to be made in favour of one Sugunasundari, who holds the right regarding the documents, is under challenge in the present writ petition.

2.The learned counsel for the petitioner states that the property originally belonged to the petitioner and the said Sugunasundari is none other than the daughter of the petitioner. Admittedly, a settlement deed was executed in favour of the daughter of the petitioner, Sugunasundari, by the petitioner. The learned counsel for the petitioner states that the petitioner's daughter refused to take care of the petitioner and therefore, the petitioner executed a deed of revocation of settlement on 05.06.2014. The respondent Bank questioned the validity of the said revocation of settlement, as such revocation is not legally permissible and raised a doubt in respect of the said original documents and accordingly, passed the impugned order stating that they are ready and willing to hand over the original documents to the said Sugunasundari or her legal Attorney.

3.The stand of the respondent Bank cannot be disputed in view of the fact that the said Sugunasundari also may set out a claim for release of original documents. Thus, this Court do not find any infirmity in respect of the order passed. Even as per the claim made by the petitioner, the deed of revocation of settlement is doubtful and based on such revocation of settlement, the original documents through which the daughter of the petitioner acquired the right, cannot be neglected. Thus, the Bank is ready to release the original documents to the said Sugunasundari or her legal Attorney. In the event of any disputes between the petitioner and her daughter, such title disputes are to be resolved by approaching the competent Civil Court of Law and under these circumstances, the relief as such sought for in the present writ petition deserves no merit consideration.

