



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15210 of 2014

and

M.P.No.1 of 2014

B.Vijaya Bharathi

...Petitioner

Vs

1. The Regional Director
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
P.B.No.40, Chennai -1.
2. The HDFC Bank Ltd.,
Rep by its Managing Director,
Sandoz house, Dr.A.B.Road,
Woril, Bombay 400 018.
3. The Branch Manager,
HDFC Bank Ltd.,
Nelson Manickam Road,
Mehta Nagar, Chennai.
4. Retain Loan Security Centre,
HDFC Bank Ltd.,
Opp. Jeeva park, T.Nagar,
Chennai -17.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents and in particularly the second to fourth respondents to waive the remaining loan amount in A/C No.80005022 and UCIC: 33168946.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.S.Sheik Ismail[For R2 to R4]

No appearance [For R1]

ORDER

The relief sought for in the present writ petition is to direct the respondents 2 to 4 to waive the remaining loan amount in A/C No.80005022 and UCIC: 33168946.



2. The petitioner states that, her husband who was working as Marine Engineer with M/s.Akshaya Marine and was trapped in the chamber of Sub- marine and died on 28.01.2014. During his life time the husband of the petitioner borrowed a sum of Rs.10,75,000 (Ten Lakhs Seventy five thousand only) as home loan from the HDFC Bank Limited. The husband of the petitioner was paying the installments and due to the death of her husband the petitioner is not in a position to repay the installments. Under these circumstances the petitioner is constrained to move the present writ petition.

3. The learned counsel for the respondents 2 to 4 made a submission that there is no rule to grant such waiver. This Court of the considered opinion that, if at all any concession can be granted in favour of the petitioner in such circumstance when the family is in distress, it is to be considered by the Bank Administration. However waiver of home loan cannot be granted by the High Court in the writ proceedings.

4. Considering the plight of the family, which is in distress lost the sole earning member due to an accident in the Sub-marine, this Court is of the opinion that the respondent bank has to consider the case of the petitioner for grant of some benefit or concession by exercising their discretion.

5. Exercise of discretion in such circumstances are required, considering the agony of the citizen and the Bank being an institution has got certain societal responsibility, in such circumstances, where the family which borrowed loan is in distress. Mitigating factors are to be considered by the Bank authorities. This being the factum, the petitioner is at liberty to submit an application setting out all the facts and circumstances along with the relevant documents to the respondents, who in turn shall consider the same and take a decision and communicate the same to the petitioner as expeditiously as possible.

6. With this direction, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

nti/vs



1. The Regional Director
Reserve Bank of India,
Fort Glacis, Rajaji Salai,
P.B.No.40, Chennai -1.

- +1cc to Mr.P.Vijendran, Advocate, S.R.No.58284

SPD (CO)
RGA (26/11/2021)