



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.2967 of 2021

and W.M.P. (MD) No.2390 of 2021

WEB COPY

S.Sujarani

... Petitioner

Vs.

1.The Chief General Manager,
Canara Bank Head Office,
No.112, J.C. Road,
Bangalore - 560 002.

2.The Authorised Officer,
Canara Bank,
Marthandam & Post,
Kanyakumari District.

3.The Branch Manager,
Canara Bank,
Marthandam Branch,
Near New Bus Stand,
Marthandam & Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to claim and appropriate the proceeds of the insurance coverage amount towards the housing loan A/c. Nos.1108619023120 and 1108285000002 availed by petitioner's husband late D.Singh Shah from the 3rd respondent and take any further proceeding for recovery of any balance amount in accordance with law.

For Petitioner : Mr.M.Sengu Vijay

For Respondents : Mr.C.Deepak
Standing Counsel

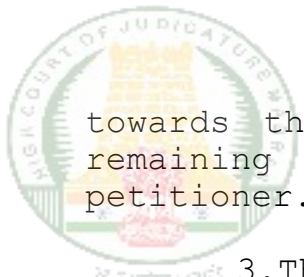
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O R D E R

(Order of the Court was made by T. S. SIVAGNANAM, J.)

Heard Mr.M.Sengu Vijay, learned counsel for the petitioner and Mr.C.Deepak, learned Standing Counsel for the respondents.

2.The petitioner is the wife of one D.Singh Shaj, who has borrowed loan from the respondent bank and he is no more. The petitioner recollects that her husband has taken Life Insurance Policy along with the loan. Therefore, the petitioner requested the respondent bank to adjust the amount payable under the LIC policy



towards the outstanding of the loan amount and if there is any remaining balance, requested the same to be refunded to the petitioner.

3.The learned Standing Counsel for the respondent bank on instructions submitted that the petitioner's husband has not taken any L.I.C. policy. However, they are willing to re-verify the same, provided, some informations like policy number, premium receipt etc., are furnished. Further, it is submitted that the details of the legal heirs of the petitioner's husband has not been produced and therefore, the bank is unable to find out who are the legal heirs of the deceased.

4.In the light of the above, we direct the petitioner to produce a copy of the legal heir certificate and the respondent bank is directed to furnish the statement of account indicating the total amount paid by the petitioner's husband. If the petitioner is in possession of any alleged insurance policy, premium receipts etc., the same shall be disclosed in a representation. On receipt of such representation, the third respondent shall take appropriate action and send a reply to the petitioner within three weeks from the date of receipt of the representation.

5.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (cs-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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,

Canara Bank,

Marthandam Branch,

Near New Bus Stand,

Marthandam & Post, Kanyakumari District.

+1 CC to M/s.M.SENGU VIJAY, Advocate (SR-21766[F] dated

08/07/2021)

W.P. (MD) No.2967 of 2021

07.07.2021

RD(19.07.2021) 2P 3C

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