



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9698 of 2021

WEB COPY

V.Nisha

... Petitioner

Vs.

1.The Regional Director,
The Reserve Bank of India,
Rajaji Salai,
Chennai 600 001.

2.The Branch Manager,
ICICI Bank,
Azhagappa College Road,
Karaikudi,
Sivagangai District.

3.Credit Manager,
ICICI Bank,
Door No.63 - SS Building,
T.P.K.Road,
Subramaniapuram,
Madurai, Madurai District.

4.Sales Manager,
ICICI Insurance,
Door No.63-SS Building,
T.P.K.Road,
Subramaniapuram,
Madurai, Madurai District.

... Respondents

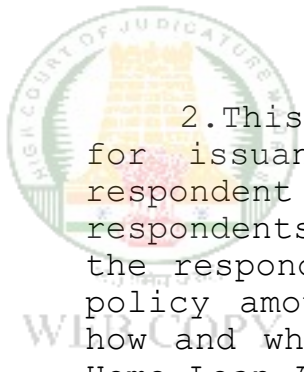
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent herein to consider the petitioner's complaint against the respondents 2 to 4 herein dated 19.04.2021 and consequently direct the respondents 2 to 4 herein to furnish the date of adjustment of policy amount from Policy No.7781239437, actual amount of policy, how and when policy amount was adjusted in the loan amount in NRI Home Loan A/c.No.LBKD100002095758.

For Petitioner

: Mr.V.S.Kumaraguru

O R D E R

By consent, the Writ Petition is taken up for final disposal at the admission stage itself.



2.This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the the first respondent herein to consider the petitioner's complaint against the respondents 2 to 4 herein dated 19.04.2021 and consequently direct the respondents 2 to 4 herein to furnish the date of adjustment of policy amount from Policy No.7781239437, actual amount of policy, how and when policy amount was adjusted in the loan amount in NRI Home Loan A/c.No.LBKD100002095758.

3.The case of the petitioner is that the petitioner's husband, who was employed in Behrain, borrowed home loan of Rs.32,54,000/- from the respondents 2 to 4 on 30.05.2014 repayable with interest at 10.5 % with an equated monthly installment of Rs.42,273/-. The pre-condition for grant of loan was that borrower should necessarily take a policy for coverage of loan amount in the event of death of borrower to protect their interest.

4.The further case of the petitioner is that her husband repaid the loan amount regularly without any default. All of sudden, he died on 09.11.2019. Immediately thereafter, on such information, the officials of lending banks came to her place, enquired the cause of death with her neighbors and collected policy documents for processing. Thereafter, the petitioner approached the respondents 2 to 4 herein in person on several occasions to enquiry the coverage of insurance policy, actual amount for adjustment, however, the details of which were not furnished to her. Hence, the petitioner has given a notice on 15.03.2020. Thereafter, the petitioner has made a complaint to the Insurance Ombudsman to intervene in the matter to get the details from the respondents 2 to 4. Since the petitioner was unable to furnish policy documents as required by Insurance Ombudsman, as they were already taken from her by the lending bank, her complaint could not be processed. Hence, the petitioner has sent a representation dated 19.04.2021 to the first respondent. However, till date, no action has been taken by the respondents. Hence, the petitioner filed the present Writ Petition.

5.The learned counsel for the petitioner would state that it would be suffice, if a direction is issued to the respondents, to dispose of the representation of the petitioner.

6.Considering the submissions of the learned counsel for the petitioner and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 19.04.2021, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order



7. With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1. The Regional Director,
The Reserve Bank of India,
Rajaji Salai,
Chennai 600 001.

2. The Branch Manager,
ICICI Bank,
Azhagappa College Road,
Karaikudi,
Sivagangai District.

3. Credit Manager,
ICICI Bank,
Door No.63 - SS Building,
T.P.K.Road,
Subramaniapuram,
Madurai, Madurai District.

4. Sales Manager,
ICICI Insurance,
Door No.63-SS Building,
T.P.K.Road,
Subramaniapuram,
Madurai, Madurai District.

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-
18894[F] dated 07/06/2021)

W.P(MD)No.9698 of 2021
04.06.2021

KB(18.06.2021) 3P 6C