



WEB COPY

W.P.(MD).No.11928 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P. (MD) .No.11928 of 2021

C.Sundarrajan

...Petitioner

Vs.

The Branch Manager,
(Syndicate Bank) Canara Bank,
Thamaraipatti Branch,
Vedasandur Taluk,
Dindigul Taluk.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of Mandamus, directing the respondent to return of the petitioner's house title deed, consequently, to cancel the MODTD on the basis of the petitioner's representation, dated 03.05.2021.

For Petitioner : Mr.V.Karuna

For Respondent : Mr.Pethu Rajesh

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.Karuna, learned counsel appearing for the petitioner and Mr.Pethu Rajesh, learned counsel appearing for the respondent.

2.The prayer sought for in the writ petition is to cancel the memorandum of deposit of title deed for the loan transaction.

3.The petitioner would state that his wife has availed insurance during her life time and she died due to heart ailment on 23.05.2020 and the insurance maturity amount has to be adjusted towards the loan account.

4.The respondent Bank has filed a counter affidavit stating that the Insurance policy is called "UNIHOME CARE INSURANCE POLICY" and it covers only the accidental risks and the case of the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner's wife is that she died due to natural cause. Therefore, the respondent Bank has stated that no claim amount can be received or adjusted.

5. In the light of the above, the prayer sought for in this writ petition cannot be granted. However, if the petitioner is aggrieved by any of the measures initiated by the respondent Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SARFAESI Act), it is well open to the petitioner to approach the Debt Recovery Tribunal.

6. With the above observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm

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.

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-23914[F] dated 26/07/2021)

W.P. (MD) .No.11928 of 2021

26.07.2021

MGJ(03.08.2021) 2P 2C