



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15776 of 2021

WEB COPY

Murugan

... Petitioner

Vs.

The Branch Manager, Indian Bank,
South Kadayam,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to allow the petitioner for redeem the pledged jewel weight about 31.400 grams in Account no.6258844710 after paying the jewel loan amount a sum of Rs.50,000/- (Fifty Thousand only) along with the interest by considering the petitioner's representation dated 23.12.2020.

For Petitioner : Mr.R.Vinoth Bharathi

ORDER

The petitioner seeks a direction for the redemption of jewellery, which was pledged in favour of the Indian bank.

2. The petitioner states that he availed of a loan from the Indian Bank on 06.09.2014. In connection therewith, he pledged the jewellery of his wife. In addition, the petitioner refers to a loan availed of by one Mr.Arumairaj with regard to which the petitioner was the guarantor. Subsequently, it is stated that the respondent refused to permit the petitioner to redeem the pledge on account of the failure by Mr.Arumairaj to discharge the loan guaranteed by the petitioner. The present Writ Petition is filed in the said facts and circumstances.

3. In judicial review, ordinarily, the Court declines to interfere with loan transactions between a borrower and lender. In this case, the petitioner has referred to a guarantee extended in respect of a loan availed of by one Arumairaja. However, the documents pertaining to such loan and the security provided by the guarantor have not been produced or indicated. The petitioner should avail of remedies under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, if such statute is applicable to the case at hand. Otherwise, the petitioner should avail of remedies before the jurisdictional civil court. In view of the fact that the discharge of liabilities arising



out of the above mentioned loan accounts would involve disputed questions of fact, this dispute cannot be conveniently or appropriately addressed by way of affidavit evidence.

4. For the reasons set out above, W.P.(MD).No.15776 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to avail of all available statutory or non-statutory remedies in accordance with law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

**W.P (MD) No.15776 of 2021
06.09.2021**

RK (16.09.2021) 2P 1C