



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.A. (MD)No.1234 of 2020 and
C.M.P. (MD)No.6878 of 2020

M.Karuppasamy

... Appellant

Vs.

1. The Governor,
Reserve Bank of India,
Mumbai.
2. The Zonal Manager,
HDFC Bank,
North Veli Street, Madurai.
3. The Branch Manager,
HDFC Bank,
Rajapalayam Branch,
Tenkasi Road, Rajapalayam,
Virudhunagar District.

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent, against the dated 09.12.2020, passed in W.P.(MD)No.712 of 2020.

Prayer in WP(MD)No.712/2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to directing the 1st respondent herein to consider the petitioners representation dated 26.12.2019 consequently direct the 2nd respondent to give proper direction to the 3rd respondent to accept the monthly installment by regularizing the JCB loan account no.83364097 of the petitioner bearing Reg No.TN 95 B 6361 within a stipulated time as that may be fixed by this Court.

For Appellant	:	Mr.S.M.Anantha Murugan
For Respondents	:	Mrs.A.Banumathy for Mr.A.Anbalakan

JUDGEMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The appellant filed the Writ Petition seeking a Writ of Mandamus, directing respondent No.1 to consider the representation made by the appellant, by accepting the monthly installments.

<https://hcservices.eCourts.tn.in/hcservices/>



2.Pursuant to the hire purchase agreement, followed by violation, the vehicle was seized by the respondents. The appellant made some payment initially, followed by some more demand. Now, the learned counsel appearing for the appellant submitted that the appellant has paid a sum of Rs.12,44,120/-. However, the learned counsel appearing for the respondents submitted that the due as on today is Rs.10,65,398/- by way of E.M.I. and the foreclosure amount is Rs.21,11,287/-. Therefore, the request is not feasible for consideration.

3.As rightly submitted by the learned Single Judge, we have no role to play in this matter. Though the learned counsel appearing for the appellant quoted the Pandemic situation, the respondent is not amenable and the transaction is commercial. Therefore, we do not find any reason to interfere with the order of the learned Single Judge. However, our order will not stand in the way of the respondents to consider the appellant's request. The appellant is at liberty to approach the respondents within a week. We hope and trust, the request of the appellant will be considered by the respondents in accordance with law.

4.This Writ Appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

// 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.*

+1 CC to Mr.S.M.ANANTHA MURUGAN, Advocate (SR-7005[F] dated 24/02/2021)

SMN2

TE : 10/03/2021 : 2P/2C

W.A. (MD)No.1234 of 2020 and
C.M.P. (MD)No.6878 of 2020
23.02.2021