IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.19555 of 2017

Sheeba ... Petitioner

Vs.

1.The General Manager,
The State Bank of India,
No.16, College Road,
Nungambakkam,
Chennai-06.

2.The Chief Manager,
The State Bank of India,
Heavy Vehicle Factory,
Tank Factory Road,
Avadi, Chennai-54.

3.The Ombudsman,
The Reserve Bank of India,
Kamarajar Salai,
Chennai-01. ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to consider the representation dated 05.04.2017 and to direct the first and second respondents herein to pay back the amount illegally obtained from the account of the husband of the petitioner and also form the guarantor one Mr.Srinivasan.

For Petitioner	:	No Appearance
For Respondents	:	Mr.K.Sankaran for R1 & R2 Mrs.C.Sangamithirai Standing Counsel for R3

ORDER

There is no representation on behalf of the petitioner.

2.The petitioner has filed this writ petition for a mandamus to direct the respondents herein to consider the representation dated 05.04.2017 and to direct the first and second respondents herein to pay back the amount illegally obtained from the account of the husband of the petitioner and also form the guarantor one Mr.Srinivasan.

3.The facts on record indicates that the petitioner's husband has applied for a personal loan with the respondent/State Bank for a sum of Rs.5,00,000/- repayable in sixty installments of Rs.11,557/- as monthly EMI.

4.The loan was sanctioned and the amount was credited to the petitioner's husband's account on 20.11.2015. Unfortunately, on 28.12.2015 the petitioner's husband died due to heart attack. The respondent/ State Bank subsidiary namely SBI Life Insurance credited the premium collected for the LIC policy for a sum of Rs.15,866/- to the petitioner's husband account on 28.04.2016.

5.It appears that the loan was also granted and one Srinivasan was stood as a guarantor and a sum of Rs.24,000/- was also recovered from his account without any intimation and a sum of Rs.60,583/- towards outstanding due from the petitioner's husband account from the terminal benefits available on the account of the death of the petitioner's husband.

6.It is submitted that the writ petition is vague and is liable to be dismissed. It is also submitted that the petitioner had appeared before the Branch Manager of the respondent Bank and offered her explanations. Thereafter, proceeded to file the present writ petition hence he prayed for dismissal of the writ petition.

7.I have considered the arguments advanced by the learned counsel for the first and second respondents and learned Standing Counsel for the third respondents.

8.The facts are not in dispute. The loan was sanctioned and a letter of guarantee was said to have been given by one Srinivasan. When the loan was sanctioned to the petitioner's husband, the petitioner's husband has also taken a LIC Policy as per requirement of the respondent bank. However, after the death of the petitioner's husband, the premium collected for the policy has been refunded back on 28.04.2016. The respondent has recovered a sum of Rs.60,583/- from the terminal benefits received on account of the petitioner's husband's death. There is no merits in the present writ petition.

9.The only remedy available to the petitioner is to file appropriate proceedings against the subsidiary of the respondent bank who had issued a LIC Policy to secure the interest of the respondent Bank.

10.Under these circumstances, I am inclined to dismiss this writ petition. However, liberty is given to the petitioner to approach the Courts against the respondent bank subsidiary which had issued the LIC Policy and secured, the interest of the petitioner and the family on account of death of the petitioner's husband.

11.This writ petition stands dismissed with the above observations. No costs.

25.11.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non-speaking Order
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To

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C.SARAVANAN, J.

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