



W.P.(MD)No.14715 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.14715 of 2019

M.Melgin Shoba

... Petitioner

Vs.

The Branch Manager,
State Bank of India,
Villukuri Branch,
No:1, PTS Building,
Main Road, Villukuri,
Kanyakumari District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent bank to disburse the golden jewels to the petitioner mentioned below in this petition in scheduled A & B within a specified time.

For Petitioner : Mr.KA.Raamakrishnan
For Respondent : Mr.C.Karthik
Standing Counsel

ORDER

Heard the learned counsel on either side.

2.The petitioner's sister had pledged certain gold items with the respondent Bank. Subsequently, she died. The case of the petitioner is that she is actually the owner of the pledged jewels and that the Bank



W.P.(MD)No.14715 of 2019

must permit her to redeem the same. The petitioner is said to have already paid the entire loan amount. However, the Bank could not comply with the petitioner's request because the husband of the deceased raised objection.

3. My task has been made easier because the petitioner had rightly moved the jurisdictional civil Court by filing O.S.No.67 of 2006 on the file of the Subordinate Court, Padmanabhapuram. The petitioner's brother-in-law as well as the children of the deceased were made as defendants. The respondent Bank also is figuring as the fifth defendant. The suit was decreed on 28.02.2012. The first appeal filed against the said judgment and decree appears to have been dismissed for default on 06.06.2018. It has not been restored till date. When the civil Court has already declared the ownership of the petitioner over the pledged items, the respondent is obliged to return the same to the petitioner. I therefore direct the respondent to return the petition mentioned items to the petitioner without delay. The Writ Petition is allowed accordingly. No costs.

16.12.2022

Index : Yes / No

Internet : Yes/ No

rmk



WEB COPY



W.P.(MD)No.14715 of 2019



WEB COPY



W.P.(MD)No.14715 of 2019

G.R.SWAMINATHAN,J.

rmk

W.P.(MD)No.14715 of 2019

16.12.2022