



W.P(MD)No.3347 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3347 of 2019

R.Muniyandi

... Petitioner

Vs.

1.The Manager,
State Bank of India,
Maduram Complex,
2, Ambedkar Road,
Madurai-625 002.

2.The Manager,
SBI Life Insurance,
215, Theni Main Road,
P.P.Chavadi,
Madurai-625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to sanction insurance amount to 1st respondent and close the home loan by considering death of petitioner's wife on 27.08.2017.

For Petitioner : Mr.M.Dinesh Hari Sudarsan

For R1 : Mr.C.Karthik

For R2 : Mr.P.Arun Jayatram



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ORDER

Heard the learned counsel on either side.

2. One Arul Helena availed housing loan from the first respondent. The loan was also duly ensured with the second respondent. Arul Helena passed away in the year 2017. There arose dispute regarding status of the petitioner. One Gnanaraj claimed to be the actual husband and contested the claim of the petitioner. He along with the daughter filed S.O.P.No.8 of 2017 before the first Additional District Judge, Madurai. S.O.P was disposed of on 09.09.2020. Aggrieved by the same, the petitioner along with his daughter filed C.M.A. (MD)No.527 of 2020. It was dismissed by this Court on 29.09.2021. It is relevant to note that the respondents herein were very much parties to the S.O.P proceedings.

3. The second respondent has filed a counter indicating that a sum of Rs.10,30,053/- was paid in favour of the first respondent to the account of the deceased Arul Helena on 01.11.2019. In these circumstances, the prayer made in the writ petition no longer survives. However, the learned counsel appearing for the petitioner submits that the petitioner has executed the guarantee deed and that he is now called upon to pay exorbitant interest. It is open to the



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petitioner to approach the first respondent and negotiate for closure of the loan account. If any such application is filed by the petitioner, the first respondent will consider the same and dispose of the same on merits and in accordance with law.

4. The Writ Petition is disposed of. No costs.

15.12.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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