



W.P.(MD) No.26095 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26095 of 2022

Mayakrishnan

... Petitioner

-Vs-

1.The Central Bank of India,
Kunjan Nadar Campus,
PWD Board, Nagercoil,
Represented by its Manager.

2.M/s.Dev Traders,
22-76D, Dargha Road,
Mettukadai, Thuckalay Post,
Kanyakumari District,
Represented by its Proprietor,
Manikanda Dev.

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to furnish the copies of the entire documents relating to the loan transaction in loan No.SME 3605616614 and CC 3653742450 availed by the 2nd Respondent in the 1st Respondent bank by considering the petitioner's representation dated 27.05.2022.

For Petitioner : Mr.K.Vinoharan
For Mr.G.Prabhu Rajadurai
For R1 : Mr.N.Dilip Kumar
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The prayer sought for in the Writ Petition is to direct the 1st respondent to furnish the copies of the entire documents relating to the loan transaction in loan No.SME 3605616614 and CC 3653742450 availed by the 2nd Respondent in the 1st respondent bank, by considering the petitioner's representation dated 27.05.2022.

2.According to the petitioner, the 2nd respondent availed a credit facility from the 1st respondent in loan No.SME 3605616614 for a sum of

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Rs.1 Crore, for which, her husband acted as a guarantor and deposited the title deeds of their properties and an equitable mortgage was registered in the office of Kolachel Sub Registrar Office. The 2nd respondent further borrowed a sum of Rs.15 lakhs in Loan No.CC3653742450 from the 1st respondent. After the death of the petitioner's husband on 27.07.2019, the petitioner came to know that the 1st respondent initiated SARFAESI proceedings. Hence, she approached the 1st respondent with a proposal for One Time Settlement and the same was accepted and the amount was fixed at Rs.78,42,435.75/-. As per the said OTS, the petitioner has settled the entire amount. Thereafter, she came to know that her husband is not a guarantor to the 2nd loan availed by the 2nd respondent in Loan No.CC3653742450. Therefore, she made a representation dated 27.05.2022 to the 1st respondent to furnish the copies of the entire documents relating to the aforesaid transactions. Since the same has not been considered till date, the petitioner has approached this Court.

3.The learned Standing Counsel for the 1st respondent submitted that the petitioner has settled the entire loan amount, hence, there is no further



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adjudication for payment of any amount. However, the petitioner sent a representation to furnish the copies of the documents relating to the aforesaid transaction and the same would be considered by the 1st respondent within a time frame.

4.In view of the above, we are of the view that the petitioner, by availing concession under One Time Settlement, has settled the entire outstanding amount to the 1st respondent, however, made a representation to the 1st respondent for furnishing the documents related to the transaction in the aforesaid two loan accounts. We are of the view that no prejudice would be caused to the 1st respondent for furnishing the copies of the documents related to the aforesaid transaction to the petitioner. Therefore, the 1st respondent is directed to furnish the copies of the documents relating to the aforesaid transaction to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



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5. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]

19.12.2022

Index : Yes / No

Internet : Yes / No

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AND

R.VIJAYAKUMAR, J.

Myr

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