



WEB COPY



W.P. No.6905 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI, J.

WP No.6905 of 2020

and

WMP.No.8239 of 2020

M. Lakshmi

Rep. by her next friend Mother M.Venilla

... Petitioner

vs.

1. The Assistant General Manager,
UCO Bank, Pondicherry Main,
Post Box No.37,
Pondicherry and another.

2. The Chief Manager,
UCO Bank,
Pondicherry Main.
Post Box No.37,
Puducherry.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 1st respondent herein in letter dated 25.02.2020 quashing the same, and direct the 1st respondent to waive the education loan of Rupees 1,65,000/- as special case by considering the borrower's mental illness.



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For Petitioner : Mr.P.Suresh
For Respondents : Mr. D.Sairam Kumar
for
M/s. Shree Law Services
for UCO Bank

ORDER

This writ petition has been filed to quash the letter dated 25.02.2020 issued by the 1st respondent and for consequential direction to the 1st respondent to waive the educational loan of Rs.1,65,000/- as a special case by considering the borrower's mental illness.

2. It is the case of the petitioner that her daughter availed an educational loan from the respondent bank in the year 2007. It is averred that subsequently from the year 2011, her daughter is suffering from mental illness and taking treatment for the same. While so, she sent a representation to the respondent / bank requesting for waiving the entire loan, whereas the respondent bank has forwarded a Communication on 25.02.2020 insisting for payment of Rs.1,65,487/- as One Time Settlement in respect of the said loan. Aggrieved over the said Communication, this writ petition has been filed with the aforesaid prayer.



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3. Learned counsel for the petitioner submitted that the petitioner's daughter has not completed the educational course, due to her mental illness. Further, he submitted that due to the death of petitioner's husband, she is the sole bread winner of the family and spending more money for treatments to recover her daughter from the said illness. Hence, she made an application before the respondent /bank to waive the said educational loan. In view of the above, this Court may issue appropriate directions to the respondents for such a waiver.

4. Per contra, Learned counsel for the respondent bank submitted that there is no provision or scheme available for waiver of educational loan in respect of mental illness. Also, he submitted that as per the decree, dated 21.02.2018 passed by the Additional Sub Court, Pondicherry in O.S. No.145 of 2017, which is against the petitioner, the respondent/bank has forwarded the Communication, dated 25.02.2020 seeking for payment under OTS mode. Therefore, the impugned Communication issued by the 1st respondent warrants no interference by this Court. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel on both sides and perused the materials placed on record.



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6. Admittedly, the petitioner's daughter has availed an educational loan with the respondent bank to pursue her Engineering Degree, but unfortunately, she could not pursue the same due to her mental illness. Further, it is noticed that her daughter is taking treatment for the said illness and she has produced copy of the medical records in support of her case. That being the position, the petitioner has made an application before the respondent bank seeking for waiver of the said loan. Further, due to lack of provision or scheme, the respondent/bank is unable to waive the entire loan, but instead they come forward with One Time Settlement proposal. Also, it is clear that a Decree was passed by the Additional Sub Court, Pondicherry in O.S. No.145 of 2017, thereby the petitioner was directed to pay a sum of Rs.4,59,128.15 with interest. In such a scenario, this Court can only sympathize with the position of the petitioner and cannot issue any affirmative directions. Further, it reveals from the impugned Communication, dated 25.02.2020 that the petitioner was advised to pay a sum of Rs.1,65,487/- by the respondent bank as One Time Settlement, within the stipulated period. Such being the position, to resolve the issue, a direction can be issued to the petitioner to pay the OTS amount within a stipulated time.



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7. In view of the aforesaid reasons, the prayer sought for by the petitioner cannot be granted and thus, the writ petition stands dismissed.

However, this Court is inclined to issue direction to the petitioner to pay the One Time Settlement amount arrived with the respondent bank, within a period of four weeks from the date of receipt of a copy of this order and the period between the lapsation of the OTS proposal and the date of this order shall not carry any interest. On receipt of OTS amount, the respondent bank shall close the said Loan Account, within a period of two weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

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M.DHANDAPANI, J.

vsi2

To

1. The Assistant General Manager,
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Pondicherry and another.

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