



WEB COPY



WP No.9420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9420 of 2023

S.Gnanamoorthy

... Petitioner

Versus

The Manager,
City Union Bank,
Plot No.415, D.No.4/15,
Feet Radial Road,
Viduthalai Nagar,
S.Kolathur,
Koilambakkam,
Chennai-129.

.. Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent herein to hand over the mortgage document to the deceased husband the petitioner's father.

For Petitioner : Mr.R.Sathyamurthy

For Respondent : Mr.Anandagomathi

ORDER

The writ petition has been filed seeking a direction to the respondent herein to hand over the mortgage document to the deceased husband the petitioner's father.



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2. It is the grievance of the petitioner that the petitioner's mother borrowed a loan for a sum of Rs.10,00,000/- in the year 2018 by mortgaging a immovable property as a collateral. While so, the petitioner's mother passed away on 13.09.2022. Further, the loan amount has totally repaid on 06.09.2022. The petitioner insisted for return of the mortgage document, but there is no response from the respondent Bank. Hence, the present writ petition.

3. The learned Standing Counsel for the respondent submitted that the petitioner's mother has six legal heirs. If all the legal heirs come together, the document will be returned.

4. In response, the learned counsel for the petitioner submitted that there are six legal heirs available to the petitioner's deceased mother. Out of which, one person viz., Parthiban went missing, for which, the petitioner lodged a complaint before the Thuraipakkam Police Station and as on date, the police could not trace out him.

5. Heard both sides and perused the materials.

6. In such view of the matter, this Court direct the petitioner to go along



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with all the five legal heirs before the respondent and produce a copy of the man missing certificate within a period of four weeks from the date of receipt of a copy of this order. After perusing the same, the respondent Bank shall return the original document to the legal heirs after collecting the indemnity bond from them.

7. With the above directions, the writ petition is disposed of. No costs.

05.04.2023

Index : Yes/No
Internet : Yes/No
rli

To
The Manager,
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