



W.P.No.1455 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.04.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.1455 of 2023

and

W.M.P.No.12054 of 2023

L.Rajasekar

... Petitioner

Vs

1.Banking Ombudsman,
C/o.Reserve Bank of India,
Fort Classes,
Chennai-600 001.

2.Home First Finance Company,
India Limited,
Perambur Branch,
Door No.99/77, II Floor,
Lakshmi Ram Building,
Perambur,
Chennai-600 011.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus or any other Writ or Order or Direction in the nature of Writ, directing the first respondent to take action in respect of the complaint / representation dated 21.06.2022.

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For Petitioner ... Mr.R.Ponnusamy

For Respondents ... No Appearance

ORDER

This Writ Petition has been filed for a direction to the first respondent to take action in respect of the complaint / representation dated 21.06.2022.

2. Since, no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. It is the case of the petitioner that the petitioner and his wife have obtained a Housing Loan of Rs.7,00,000/- from the 2nd respondent. As per the Annexure-A of the loan agreement, the petitioner and his wife availed the Insurance Policy for a sum of Rs.7,19,187/- for which, EMI is regularly being paid without any default. While so, the petitioner's wife was expired on 21.02.2022. Thereafter, when the petitioner approached the 2nd respondent to hand over the original Insurance Policy, instead of closing the loan amount, the 2nd respondent is demanding the petitioner to pay the balance loan amount.



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Hence, the petitioner made a representation dated 21.06.2022 to the 1st respondent requesting to return the insurance policy and to waiver the loan amount. However, till date, no action has been taken on the same. Hence, this Writ Petition.

4. Though very many grounds have been raised, learned counsel for the petitioners submitted that it would suffice if this Court directs the 1st Respondent to consider the petitioner's representation dated 21.06.2022 requesting to return the insurance policy and to waiver the loan amount and pass appropriate orders on merits within the time that may be stipulated by this Court.

5. In view of the limited relief sought for by the petitioner, this Court without expressing any opinion on the merits of the case directs the 1st Respondent to consider the petitioner's representation dated 21.06.2022 seeking return of the insurance policy and for waivering of the loan amount availed by the petitioner and his wife and pass appropriate orders on the same in accordance with law within a period of six weeks from the date of receipt of a copy of this order.



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6. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

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NHS

Index: Yes/No

Internet: Yes



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To

Banking Ombudsman,
C/o.Reserve Bank of India,
Fort Classes,
Chennai-600 001.



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M.DHANDAPANI, J

NHS

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