



W.P. (MD).No.9662 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.9662 of 2021

1. K.Kamaladevi

2. K.Saravanakumar

... Petitioners

Vs

The Branch Manager,
Indian Bank, Cumbum Branch,
No.196, L.F.Road, Cumbum,
Theni District – 625 516.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of impugned communication of the respondent, dated 30.12.2020 and to quash the same and consequently directing the respondent to return the jewels in A/C.no. 611781581 to the petitioners without insisting further documents.

For Petitioners : Mr. K.Guhan

For Respondents : Mr.G.Sridharan
Standing Counsel



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ORDER

This Writ Petition has been filed challenging the impugned communication issued by the respondent, dated 30.12.2020 and for a consequential direction to return back the jewellery to the petitioners.

2.The case of the petitioners is that they are the children of one Karuppasamy and Muniammal. The specific case of the petitioners is that the said Karuppasamy left the house and he has not been heard of for nearly 29 years. The mother of the petitioners obtained a jewel loan from the respondent Bank and she has pledged jewellery as security. The mother of the petitioner died on 14.07.2020.

3.The petitioners settled the entire loan and requested to return back the jewellery that was pledged. The respondent Bank was insisting that all the claimants must make their claim and only then the jewellery will be returned. Aggrieved by the same, the present writ petition has been filed before this Court.



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4. Heard, the learned counsel appearing for the petitioners and the learned Standing counsel appearing for the respondent.

5. In the considered view of this Court, the father of the petitioners has not been heard of for nearly 3 decades. Therefore, it will be impossible for the petitioners to go in search of him and make the claim for the jewellery. Ultimately, the petitioners have settled the loan amount and therefore, they must be entitled to get back the jewellery pledged by their mother.

6. In the light of the above discussions, there shall be a direction to the respondent to hand over the jewellery that were pledged towards the loan, to the petitioners. The petitioners shall execute an indemnity bond before the respondent Bank stating that in future, if their father makes any claim, the Bank will not be held responsible for the same and the petitioners will deal with the same. This process shall be completed, within a period of two weeks from the date of copy of receipt of this order.



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7.This writ petition stands allowed with the above directions.

No costs.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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