



W.P.(MD).No.21147 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD).No.21147 of 2022
and
W.M.P.(MD).No.15358 of 2022

S.Sudha

.. Petitioner

Vs.

1.The Authorized Officer,
HDFC Bank Limited,
106, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street,
K.K. Nagar East,
Madurai – 625 010.

2.The Branch Manager,
HDFC Bank,
K.K. Nagar Branch,
106, Sakthi Sivam Plaza,
Pumping Station Road,
9th Cross Street,
K.K. Nagar East,
Madurai – 625 010.



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3.The Branch Manager,
HDFC ERGO General Insurance Company Limited,
Coimbatore Branch,
4th Floor, Rajanarayanan Tower,
No.17, Race Course Road,
Coimbatore – 641 018.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to adjust the insurance amount in policies no.2918 2021 6555 7200 000 and 2918 2021 5599 5000 000 on the file of the 3rd Respondent for the loan liabilities in the housing loan account of the petitioner's husband Late Selvaraj in 1) Account Number - 630299314 - Rs.5,00,000/-, 2) Account Number - 630299280 - Rs.6,00,000/-, 3) Account Number - 631437855 - Rs.64,836/-, 4) Account Number - 631437714 - Rs.54,030/- on the file the 2nd Respondent and disburse the balance amount in favour of the petitioner and her daughters Nivetha and Nisha and thus render justice.

For Petitioner : Mr.C.K.M.Appaji

For R-1 : Mr.N.S.Karthikeyan
Standing Counsel

For R-3 : Mr.S.Srinivasa Raghavan



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ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The present Writ Petition has been filed seeking for a direction to the respondents to adjust the insurance amount in Policy Nos.2918 2021 6555 7200 000 and 2918 2021 5599 5000 000 on the file of the third respondent for the loan liabilities in the housing loan account of the petitioner's husband, Late Selvaraj in 1) Account Number - 630299314 - Rs.5,00,000/-, 2) Account Number - 630299280 - Rs.6,00,000/-, 3) Account Number - 631437855 – Rs.64,836/- and 4) Account Number - 631437714 - Rs.54,030/- on the file the second respondent and disburse the balance amount in favour of the petitioner and her daughters, Nivetha and Nisha.

2. The learned counsel for the petitioner made a submission that the petitioner is ready to settle the issues by co-ordinating with the third respondent HDFC ERGO General Insurance Company Limited.



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3. It is for the petitioner to negotiate with the respondents and settle the issues. However, demand notice under Section 13(2) of the SARFAESI Act has already been issued. Thus, the Writ Petition is not entertainable and the petitioner has to approach the Debt Recovery Tribunal. Granting 15 days' time to the petitioner to approach the Debt Recovery Tribunal, the present Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (L.V.G.,J.)
18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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S.M.SUBRAMANIAM,J.
and
L.VICTORIA GOWRI,J.

Lm

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