



W.P.(MD)No.10432 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)No.10432 of 2014

and

M.P.(MD).No.1 of 2014

Muneeswaran

... Petitioner

Vs.

The Manager,
Bank of Baroda,
343, Chekkalai Road,
Karaikudi,
Sivagangai District.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondent deducting the loan amount from his father's Account No.26630100000520 and consequently directing the respondent to return the excess amount deducted from the petitioner's father's account No.26630100000520.

For Petitioner :Mr.S.M.Mohan Gandhi

For Respondent :Mr.Pala Ramasamy



W.P.(MD)No.10432 of 2014

WEB COPY

ORDER

This writ petition has been filed seeking for a mandamus forbearing the respondent deducting the loan amount from his father's Account No.26630100000520 and consequently, directing the respondent to return the excess amount deducted from the petitioner's father's account No. 26630100000520.

2.The petitioner had obtained an Educational Loan, for which, his father had agreed to repay the same, by paying E.M.I, a sum of Rs.800/- per month (Eight Hundred Only) for 60 months, commencing from June 2010. The learned counsel for the petitioner would submit that towards his father, they have jointly executed a demand promissory note in favour of the bank. However, the respondent had deducted a higher amount than what they are entitled to and they ought to have refund the excess amount.



W.P.(MD)No.10432 of 2014

WEB COPY

3.The learned counsel for the respondent would submit that the account had been closed by the petitioner's father and that by withdrawing whatever was left in the account, as early as in the year 2019. He would also submit that what has been deducted by the bank was only their liability to pay.

4.I have considered the rival submission made on either side.

5.The petitioner is questioning the deduction made from his father's account for the educational loan availed by him. The amount has been deducted from the account of his father Mr.S.Velusamy. The petitioner's father Mr.S.Velusamy, has availed the loan when this writ petition has been instituted and he was the one who closed the account by deducting whatever the balance that was available in the bank.



W.P.(MD)No.10432 of 2014

WEB COPY

6.In view of the same, I do not find any locus for the writ petitioner, to seek for the relief sought for in the writ petition, when his father has not questioned the deduction from the bank account. In fine, the writ petition fails and the same stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

14.02.2023

NCC :Yes/No

Internet :Yes/No

Index :Yes/No

sbm

To

The Manager,
Bank of Baroda,
343, Chekkalai Road,
Karaikudi,
Sivagangai District.



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W.P.(MD)No.10432 of 2014

K.KUMARESH BABU, J.

sbn

W.P.(MD)No.10432 of 2014
and
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