



W.P(MD)No.9840 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9840 of 2015

and

M.P.(MD)No.1 of 2015

R.Amudha

... Petitioner

Vs.

1.The Assistant General Manager,
Stressed Assets Recovery Branch (SARB)
No.8, Dr.Ambedkar Road,
SBI, Vinayaganagar Branch,
First Floor,
Madurai-625 020.

2.The Assistant General Manager,
State Bank of India,
Sangam Towers,
7/A West Veli Street,
Madurai.

3.The Officer-in-charge,
New India Assurance Company Ltd.,
D.No.120700, VIII Floor,
New Centre 17A,
Cooperage Road, Madamcama Road,
Mumbai-400 039.

4.The Chief Regional Manager,
New India Assurance Company Ltd.,
No.248-B, Kamarajar Salai,



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Rekha Towers,
Madurai-625 009.

... Respondents

(R4 is impleaded vide order
dated 01.03.2016 in M.P.(MD)No.2 of 2015)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the notice of the 1st Respondent in No. SARB/MMS/3514/2171 dated 22.11.2014 to settle the loan amount to the petitioner as per the policy in loan account No. 30125893432 dated 16.06.2007 and quash the same as illegal.

For Petitioner : Mr.K.Elil Selvi

For Respondents : Mr.S.Sethuraman for R1

: Mr.M.S.Sureshkumar for R4

: no appearance for R2 & R3

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband was a police constable. He had availed home loan from the State Bank of India. He had also taken insurance policy with the New India Assurance Company Limited. The petitioner's husband died due to electrocution on 22.08.2007. The case of the petitioner is that since the housing loan had been insured, the liability must be settled by the insurance company. The grievance of the petitioner is that the bank had raised the impugned



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demand on her. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned standing counsel for the insurance company pointed out that the insurance company had sent by way of cheque a sum of Rs.3,13,375/- in favour of the State Bank of India. The matter was adjourned to enable the learned standing counsel for the bank to get instructions. Today, the learned standing counsel submits that the cheque sent by the insurance company has since been encashed. The learned counsel for the petitioner states that the security document have not been released. If they have not been released, the bank is directed to return the same without any delay to the petitioner.

4. In this view of the matter, the impugned demand is quashed. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

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