



Cont P(MD)No.1854 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

Cont P(MD)No.1854 of 2022

Suresh Daniel

... Petitioner/Petitioner

-VS-

**Branch Manager,
Axis Bank,
Rajapalayam,
Virudhunagar District.**

... Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/respondent for disobeying and defying the order dated 01.09.2022 passed in W.P(MD)No.20567 of 2022.

For Petitioner : Mr.P.M.Vishnuvarthanan



Cont P(MD)No.1854 of 2022

WEB COPY

ORDER

DR.G.JAYACHANDRAN,J.
AND
S.SRIMATHY,J.

This Court on perused the records finds that an innocuous writ petition has been filed seeking direction from this Court to the Branch Manager, Axis Bank to accept the One Time Settlement offered by the petitioner, however, the petitioner is not a borrower, the deceased brother is a borrower and it is alleged that the family property has been pledged and loan has been raised.

2. This Court, on considering the representation made by the petitioner dated 18.08.2022 for One Time Settlement, has passed an order directing the respondent Bank to consider the representation dated 18.08.2022 within a period of eight weeks from the date of receipt of the order copy. The said order came to be passed on 01.09.2022 and it is now submitted that in spite of the order and contempt notice, the respondent Bank has not taken any action on his representation. Hence, the contempt petition is filed.



Cont P(MD)No.1854 of 2022

WEB COPY

3. This Court, on perused the records and the submission made by the learned counsel for the petitioner, is of the opinion that the proposal alleged to have been given by the petitioner, who was not a party to the loan agreement, requires appropriate test by appropriate Court or forum. In other words, remedy lies in the Civil Court or Debt Recovery Tribunal. In a contempt proceedings, the Court cannot take up the matter, which has to be decided on trial examining the witnesses and the documents like Will and relationship between the borrower and the petitioner herein etc., which are facts in dispute, same cannot be decided exercising the extraordinary jurisdiction conferred under Article 226 of the Constitution of India. Therefore, the petitioner is at liberty to approach the appropriate forum to get his grievance redressed.

4. In view of the above, this contempt petition is dismissed.

Index : Yes / No
Internet : Yes / No
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[G.J.,J.] [S.S.Y.,J.]
02.01.2023



WEB COPY



Cont P(MD)No.1854 of 2022

DR.G.JAYACHANDRAN,J.
AND
S.SRIMATHY,J.

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Cont P(D)No.1854 of 2022

02.01.2023