



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24544 of 2024
and WMP.Nos.26581 and 26852 of 2024

Rathva Singh

... petitioner

-Vs-

1. The Circle General Manager,
State Bank of India,
Local Head Office,
No.16, College Lane,
Chennai-6.

2. The Branch Manager,
State Bank of India,
Reddipalayam,
Tamil Nadu

3. The Branch Manager,
State Bank of India,
Walajapet, Tamil Nadu.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus forbearing the second respondent from in any manner attaching the Military Pension in Ref. No.JC-438287A credited in the Saving Bank Account No.10917444498 of the petitioner with the 3rd respondent Bank towards the educational loan of the petitioner's deceased son



Santhanakumar granted by the second respondent.

For petitioner : Mr. K.Mohanamurali

For Respondent : Mr.B.Raghava Naidu

ORDER

This petition has been filed seeking to forbear the second respondent from in any manner attaching the Military Pension in Ref. No.JC-438287A credited in the Saving Bank Account No.10917444498 of the petitioner with the 3rd respondent Bank towards the educational loan of the petitioner's deceased son Santhanakumar granted by the second respondent.

2. It is the case of the petitioner that his son has obtained an educational loan from the second respondent Bank for a sum of Rs.1,56,000/- in the year 2013 and a sum of Rs.1,20,000/- was paid in 4 instalments by the second respondent. Subsequently in the year 2016, the petitioner's son died due to liver failure and the same was informed to the Bank. However, the second respondent issued a letter on 20.05.2017 demanding for the repayment of the loan. Without considering the same, the respondents bank is collecting the loan amount by attaching the military pension credited in the petitioner's saving bank account with the third respondent Bank towards the educational loan of



the petitioner's deceased son. Aggrieved over the same, the petitioner has filed the present petition.

3. The learned counsel for the petitioner submitted that the petitioner is a pensioner and he is not able to repay the same. Hence, the learned counsel prays to allow the petition.

4. The learned Standing Counsel for the respondents submitted that since the petitioner is not come forward to repay the loan amount, the respondents have attached the petitioner's account which was maintained with the 3rd respondent Bank. Such being the position, the respondents are entitled to collect money from the petitioner, which is not unsustainable one.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly the petitioner's son has obtained an educational loan from the respondent Bank. Subsequently, he died. According to the petitioner, his son died for which he has not paid the



amount. The said ground raised by the petitioner is not acceptable and the same is unfair. The petitioner son obtained a loan for a sum of Rs.1,20,000/- in 4 four instalments and he has to repay the same even his son died. In such view of the matter, the prayer sought for by the petitioner cannot be granted and the petition is liable to be dismissed.

7. With the above direction. this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.10.2024

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To

1. The Circle General Manager,
State Bank of India,
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No.16, College Lane,
Chennai-6.

2. The Branch Manager,
State Bank of India,
Reddipalayam,
Tamil Nadu



3. The Branch Manager,
State Bank of India,
Walajapet, Tamil Nadu.



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6



M.DHANDAPANI, J.

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W.P.No.24544 of 2024

18.10.2024