



W.P(MD)No.6958 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6958 of 2024
and
W.M.P(MD)No.6479 of 2024

Murugalakshmi

... Petitioner

Vs.

- 1.The Regional Director,
Reserve Bank of India,
Fork Glacis,
Fort St.George,
Chennai – 1.
- 2.The Regional Manager,
Tirunelveli Regional Office,
Axis Bank,
Tirunelveli Region,
Tirunelveli District – 627 001.
- 3.The Branch Manager,
Axis Bank,
Sankarankovil Branch,
Sankarankovil,
Tenkasi District – 627 756.



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4.Pandiyaraj

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to direct the respondents 2 and 3 to hand over the original deed to the petitioner vide document 2733/2018 within the time stipulated based on the representation dated 07.03.2024 by this Court.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.Pethu Rajesh
for R.2 & R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondents 2 and 3.

2. The petitioner is the wife of the fourth respondent. The fourth respondent had mortgaged the petition mentioned house. The petitioner claims to have settled Rs.10 Lakhs towards loan dues towards One Time Settlement. The materials enclosed in the typed set of papers *prima facie* indicate the same. The petitioner apprehends that the third respondent may hand over the title document to the fourth respondent. The Bank



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cannot be blamed. Once the loan amount is settled, it is obliged to hand over the documents. The loan was created only by the fourth respondent.

I fail to understand that what made the petitioner to pay the amount.

3. Be that as it may, this is a matter that has to be settled only before the jurisdictional matrimonial Court. The petitioner is given liberty to move the matrimonial Court (Sub Court, Sankarankovil). If any suit is filed, it shall be numbered immediately. The petitioner is given liberty to file an Interlocutory Application. If any Interlocutory Application is filed by the petitioner, it shall be numbered immediately and disposed of as expeditiously as possible. The trial Court can even consider granting exparte relief. The third respondent is restrained from handing over the original documents to the fourth respondent for a period of four weeks from today (21.03.2024). It is for the petitioner to obtain interim relief from the jurisdictional civil Court in the meanwhile. I make it clear that the outcome of this writ petition will not have bearing on the rights of the fourth respondent. All his contentions and defences are left open.



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4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 25.03.2024.

To

- 1.The Regional Director,
Reserve Bank of India,
Fork Glacis, Fort St.George,
Chennai – 1.
- 2.The Regional Manager,
Tirunelveli Regional Office,
Axis Bank, Tirunelveli Region,
Tirunelveli District – 627 001.
- 3.The Branch Manager,
Axis Bank,
Sankarankovil Branch,
Sankarankovil, Tenkasi District – 627 756.

Copy to

The Sub Court, Sankarankovil.

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G.R.SWAMINATHAN, J.

MGA

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and
W.M.P(MD)No.6479 of 2024

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