



W.P(MD)No.9456 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9456 of 2024

K.Syed Peerappa

... Petitioner

Vs.

Bank of India
Represented by its Chief Manager,
Thondi Branch,
Thondi,
Ramanathapuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to return the jewels pledged for gold loan belongs to the petitioner's wife, given as security in respect of the transaction covered by sanctioning letter dated 11.01.2022, 07.02.2022, 27.07.2022, 28.07.2022 and 08.03.2022 upon payment of Rs. 5,11,100.74/- towards the entire dues without claiming to exercise any general lien.

For Petitioners : Mr.S.Atham Ali

For Respondents : Mr.C.Deepak



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ORDER

Heard both sides.

2. Sharfun Nisha got married to one Sharfudeen and during the subsistence of the marriage, pledged the petition mentioned jewelry to the respondents. Subsequently, the marriage was dissolved. Thereafter the petitioner herein got married to the said Sharfun Nisha on 21.05.2015. A copy of the marriage certificate has been enclosed in the typed set of papers. Sharfun Nisha passed away on 20.09.2022. A copy of the death certificate has been enclosed in the typed set of papers. Copy of the legal heir certificate has also been enclosed in the typed set of papers. The petitioner wants the jewelry back.

3. The respondents are not in a position to consider the petitioner's claim on account of the marital background. That is why, the learned standing counsel for the bank strongly opposed the writ prayer. I carefully considered the rival contentions and went through the materials on record. The basic facts are not in dispute.

4. In these circumstances, the right of the petitioner to get back the



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jewelry cannot be in dispute. In fact, it is categorically asserted that it was the petitioner who settled the loan amount also. Therefore, I direct the respondent bank to forthwith return the petition mentioned gold jewelry subject to fulfilment of usual banking formalities such as inclusion of the indemnity bond etc., The Writ Petition is allowed. No costs.

06.06.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.



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