



W.P.(MD) No.931 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.931 of 2018

Elangovan

... Petitioner

Vs.

The Manager,
HDFC Bank Ltd.,
Retail Loan Service Centre,
Second Floor, Sri Nithya Kalyani Towers,
No.34, Kirshnarayar Tank,
North Veli Street, Madurai – 625 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus restraining the respondent herein to take away the petitioner's Tractor TN 63 AJ 7336 (Swaraj Tractor) from the petitioner's custody without due processes of law.

For Petitioner : No appearance

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus restraining the respondent from taking away the petitioner's Swaraj Tractor bearing registration No.TN 63 AJ 7336 without due processes of law.



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2. There is no representation for the petitioner and the respondent Bank.

3. It appears that the petitioner has borrowed amounts from the respondent Bank. Therefore, the respondent Bank has asked the petitioner for repayment of the loan and sent a notice under Section 21 of the Arbitration and Conciliation Act, 1996, on 07.07.2017, seeking to appoint an Arbitrator to adjudicate the case between the petitioner and the respondent in terms of Arbitration Clause under the Loan Agreement signed by the petitioner and the respondent.

4. As such, the present Writ Petition for the relief sought for is not maintainable as the private dispute between the petitioner and the respondent is covered by the provisions of the Indian Contract Act, 1872 and the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI Act, 2002] and the Arbitration Clause under the Loan Agreement signed between them.



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01.04.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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C.SARAVANAN, J.

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