



WEB COPY



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2026

CORAM

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WMP No.8747 of 2026
in WP No.24047 of 2024

State Bank of India
Rep by its Assistant General Manager,
Stressed Assets Recovery Branch,
Red Cross Building, 2nd Floor,
No.32, Monteith Road, Egmore,
Chennai - 600 008.

Petitioner(s)

Vs

Daniel Mamachan (Died)
Anumon.M, S/o. Daniel Mamachan,
Door No.63, Flat No.6, 1st Floor,
Prasanth Apartments,
1st Main Road, Gandhi Nagar,
Adyar, Chennai - 600 020.
[Impleaded vide order dated 28.11.2025
in WMP No.52179 of 2025]

Respondent(s)

For Petitioner(s): Mr.M.L.Ganesh

For Respondent(s):Mr.K.Rajendra Prasad



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

WEB COPY

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Respondent in the writ petition has filed this miscellaneous petition seeking to modify the order dated 28.11.2025 passed in W.P.No.24047 of 2024 in so far as the permission accorded to the legal heir of the original writ petitioner (deceased) to withdraw the amount already deposited.

2. For ready reference, the order dated 28.11.2025 is reproduced hereunder:

"In view of the memo filed on behalf of the respondent that after expiry of the original petitioner, the respondent has proceeded to withdraw the possession notice issued against the deceased petitioner, with liberty to initiate proceedings afresh, nothing survives in this case and therefore, this petition is disposed of, however, without deciding the issue raised before this Court on merits. The legal heir of the original petitioner is



WEB COPY



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

*permitted to withdraw the amount already deposited
by the original petitioner."*

3. Learned counsel for the bank drew our attention to certain
vital facts:

(a) Aassailing the order dated 1.8.2024 passed by the DRAT directing the original writ petitioner to make mandatory deposit of Rs.16,95,843/-, being 25% of the amount mentioned in the possession notice, on or before 16.8.2024, the writ petition was filed.

(b) On 19.8.2024, this Court, in order to entertain the writ petition, directed the original petitioner to deposit a sum of Rs.10.00 lakhs with the bank within two weeks.

(c) Pursuant to the said direction, the original writ petitioner had also remitted the said amount directly to his loan account on 30.8.2024.



WEB COPY



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

(d) During the pendency of the writ petition, original writ petitioner died and his legal heir/son got himself impleaded.

(e) As the original writ petitioner died, the bank had withdrawn the possession notice and informed the Debts Recovery Tribunal and based on the said submission, SA was closed with liberty to file afresh. Thereafter, fresh demand notice has been issued for recovery of the reduced outstanding dues. Recording the said fact, this Court disposed of the writ petition, as nothing survives.

4. Learned counsel for the bank submits that since the deposit of Rs.10.00 lakhs made by the original writ petitioner is towards a part of the outstanding loan amount and the same has also been appropriated towards the loan account of the original writ petitioner, the permission granted by this Court to the legal heir of the original writ petitioner to withdraw the amount already deposited by the



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

original writ petitioner is not appropriate and the said direction requires modification/deletion.

5. Learned counsel for the respondent submitted that the earlier order passed by this Court does not warrant any interference.

6. It is not in dispute that the amount deposited was appropriated by the bank and adjusted towards the loan liability of the original writ petitioner. The same, in effect, only reduces the liability of the legal heir of the original writ petitioner. If, on the other hand, the said amount is not appropriated, it will add to the liability of the writ petitioner.

7. Moreover, the respondent herein, in the affidavit filed in support of the application seeking impleadment, has specifically averred that he is ready and willing to settle the loan after negotiating with the bank. He also averred that he is the only legal heir of the deceased. When the intention of the respondent herein



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

WEB COPY

is to settle the dues and the amount of Rs.10 lakhs has been appropriated towards the loan liability, we see no reason to direct refund of the said amount to the legal heir of the original writ petitioner.

8. Accordingly, the first paragraph of the order dated 28.11.2025 passed in W.P.No.24047 of 2024 is modified as under:

"In view of the memo filed on behalf of the respondent that after expiry of the original petitioner, the respondent has proceeded to withdraw the possession notice issued against the deceased petitioner, with liberty to initiate proceedings afresh, nothing survives in this case and therefore, this petition is disposed of, however, without deciding the issue raised before this Court on merits"

9. In all other respects, the order dated 28.11.2025 shall remain unaltered.

10. W.M.P.No.8747 of 2026 is disposed of accordingly.



WMP No.8747 of 2026 in
W.P.No.24047 of 2024

WEB COPY

The Registry is directed to issue modified order copy to all concerned.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
09.06.2026

sasi