

(2025) 02 AP CK 0812

In the Andhra Pradesh High Court, Amaravati

Case No : Writ Petition No: 19392 Of 2024

BandaruTandava Krishna And Others

APPELLANT

Vs

Chairman And Others

RESPONDENT

Date of Decision : 21-02-2025

Acts Referred:

Citation : (2025) 02 AP CK 0812

Hon'ble Judges : Harinath.N, J

Bench : Single Bench

Advocate : Penjuri Venugopal, S Lakshminarayana Reddy, A Syam Sundar Reddy, Venkata Rama Rao Kota

Final Decision : Disposed Of

Judgement

R. Raghunandan Rao, J

1. The 1st petitioner was the husband of late Smt. M. Yerramma Devi. They have three children. The petitioner No.2 and respondent No.4 are the sons and respondents No.2 is the daughter of the 1st petitioner and Smt. M. Yerramma Devi.

2. During her lifetime, Smt. M. Yerramma Devi is said to have pledged her gold ornaments with the 3rd respondent-bank for obtaining three separate gold loans. An amount of Rs.7,35,000/- became due and payable in these gold loans. Late Smt. M. Yerramma Devi expired on 08.06.2021. At that stage, the bank sought to auction the god ornaments pledged with the bank, for recovery of the gold loan amounts. The 2nd respondent having come to know of these facts, paid an amount of Rs.5,67,804/-, and the 1st petitioner herein is said to have paid the remaining due amount after which the gold loans came to be closed.

3. The 2nd respondent is then said to have approached the bank, for release of the gold ornaments in her favour as her mother had passed away. Thereafter, the 2nd respondent moved the permanent Lok-Adalat for Public Utility Services, Kadapa, by way of PLAC.No.1 of 2023, for a direction to the 3rd respondent-bank

to return the gold ornaments of her late mother, to her, apart from payment of compensation etc. The permanent Lok-Adalat, by an order, dated 19.08.2024, had allowed the claim of the 2nd respondent and directed the 3rd respondent-bank to return the gold ornaments to the petitioner within a week from the date of the award.

4. Aggrieved by this award, the petitioners 1 and 2 have filed the present writ petition. It is the case of the petitioners that Smt. M. Yerramma Devi had passed away intestate and the family members of Smt. M. Yerramma Devi, which would be the petitioners, respondents 2 and 4, would all be entitled to equal shares in the property of Smt. M. Yerramma Devi. However, the direction of the permanent Lok-Adalat releasing the gold ornaments only in favour of the 2nd respondent is taking away the inheritance of the petitioners and the 4th respondent.

5. Sri P. Venu Gopal, learned counsel for the petitioners, while contending that the gold ornaments cannot be released solely to 2nd respondent had also submitted that the petitioners are willing to pay their proportionate share of the loan amount paid out to 3rd respondent-bank.

6. Though, the 2nd respondent had paid a major part of the loan amount, the same would not entitle her to claim the entire gold jewelry. In view of the fact that Smt. M. Yerramma Devi has passed away intestate, her husband and her children would all have equal shares in the estate of Smt. M. Yerramma Devi. Consequently, all of them would have a claim over the gold ornaments of Smt. M. Yerramma Devi. However, the 2nd respondent would have to be reimbursed the money which she has paid to the bank to safeguard the gold ornaments of her mother along with interest.

7. Accordingly, this writ petition is disposed of with a direction to the 3rd respondent-bank to hand over the gold ornaments to the 2nd respondent. Thereupon, the excess amount paid by the 2nd respondent shall be reimbursed by the petitioners, with interest at the rate of 12% per annum from the date of payment by the 2nd respondent to the bank till date of payment to her. Upon such reimbursement, the petitioners shall be entitled to take back 3/4th of the gold ornaments by weight while the 1/4th share shall be retained by the 2nd respondent. In the event of the 4th respondent coming forward to pay his share of the amounts paid out to the bank, the petitioners shall handover 1/4th share of the gold ornaments to the 4th respondent.

8. Accordingly, this Writ petition is disposed of. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.