

IN THE COURT OF THE DISTRICT MUNSIF, THIRUVOTTIYUR

Present: Thiru.R.Revanth., B.A., L.L.B., (Hons.)

District Munsif,

Thiruvottiyur

Wednesday, this the 4th day of March 2026

I.A.No. 03 of 2025

in

O.S.No.58/2025

A.Vinothkumar

... Petitioner / Plaintiff

//Vs//

Bajaji Finance Limited

Rep by Manager, (Personal loan section)

Having office at No.209, 3rd Floor,

Alpha Wing, Raheja Towers,

Anna Salai, Chennai - 600 002.

... Respondent/Defendant

This petition came up on 02.03.2026 for final hearing before me in the presence of M/s.M.Ansar Basha, M.Subash Chandra Bose and A.Wajahath Rasool Learned Counsels for Petitioner / Plaintiff and M/s.S and J law Firm M.Jayamurugan and M.Sathish Learned counsels for the Respondent/Defendant and upon perusing the available records upon hearing the enquiry on both sides and having stood over for consideration till this date this court made the following:-

ORDER

This petition is filed by the petitioner under Order 39 Rule 1 & 2 of CPC to pass an Ad interim injunction restraining the Respondent/defendants herein their men, servants, agents, subordinates, representatives, henchmen or anybody authorized by them from interfering with the peaceful life of petitioner/plaintiff and his family members at No.33/2B, Poonthottam Street, Thiruvottiyur, Chennai-600019, either by themselves, their workmen agents, representatives or assigns under the guise of collection of any dues except under due process of law, and morefully described in the schedule to the petition and for such further or other reliefs.

2. The averments of the petition/affidavit filed by the Petitioner / Plaintiff in short are as follows:-

The petitioner states that he was the petitioner herein and the plaintiff in the above suit and to read the plaint as part and parcel of this petition for better information. On 28.06.2024, he availed a personal loan from the Respondent/defendant company in the Personal Loan Account No.P403PLC13018203 in the said Personal Loan he made periodical payment without any break. During the month of May 2025, he had approached the Respondent/defendant and asked for the proper statement of accounts, but the Respondent/defendant has refused to disclose the accounts to him and as a result his

financial crisis had stopped making further payments in regard to such Personal Loan account. Further he has approached the Respondent/defendant several times and requests them to disclose the statement of accounts, the Respondent/defendant have decline to do so. In such basis, the collection executive from the Respondent/defendant company had approached him and asked for payments and he has requested the executive to disclose the statement of accounts. But without disclosing the statement of accounts, the Respondent/defendant with musclemen under the guise of collection agents, have got the tendency to harass the customers like him, that in the event of forcible collections, they will be given sizable amounts as a commission for having rendered such services. "As per the guidelines set out by the Reserve Bank of India in regard to collection of dues that the collection agent who in this business cannot call and visit the dwelling of the customer in the early hours/ late hours, who has defaulted in making payment and they can call the concerned customers only once a day and also do not have right to harass him with constant telephone calls. Moreover the agents can only speak to the person who has taken the loan and nobody else in the house". But the Respondent/defendant collection agents do not followed the above guidelines set out by the RBI and while harassing and threatening him and his family members even during late hours also. It is also pertinent to point out that even Apex Court had struck down by holding that such forcible collection is against law as the issue involved is civil in nature. When it is so, Respondent/defendant attitude as a Finance Companied are highly condmnable

as they have no business to terrorize innocent customers like him. By throwing some chips, officials from the respondent/defendant are trying to keep him under their toes and ultimately keep him as their bonded slave. The money advanced is only to rehabilitate him and not to cripple him. When the installments are being paid periodically, there is absolutely no necessity to enforce through the collection agents and attitude of the collection agents in indulging in forcible collection at the door of him and similarly their conduct in threatening the women folk of customers like him is highly irregular. In fact, they have gone to the extent of claiming that they will take the women folk and children to the police and remand them is also a mindless and wild allegation to terrorize him as if the law and order police is a tool in their hands. The Respondent/defendant collection agent regularly came in to the plaintiff house on 20.05.2025, 29.05.2025, & 09.06.2025 and he demanded personal loan amount without any receipt statements of accounts and Respondent/defendant collection agent threatening him and used filthy language against him before the public. If any amount legally due to the Respondent/defendant, the Respondent/defendant supposed legal action with help of the court but the Respondent/defendant had not did so and they threatening disturbing his peaceful life. Hence this petition.

3. The averments of the counter filed by the Respondents in short are as follows:

The respondents states that the defendant is a Non-Banking finance company which is into the business of extending various loans to the prospective customers and the defendant had read the plaint filed by the above mentioned plaintiff and the allegations contained in the said plaint is totally denied. The plaintiff had not given correct facts before this court and hence the suit for permanent injunction against the defendant or it is agent, servants or any other person interfering with the peaceful possession of the plaintiff's residence mentioned in this plaint is not maintainable neither on facts nor on law. The plaintiff had availed Rs. 5,99,041/- at the Annual interest of 17% a personal loan from the defendant. The loan tenure is 63 months for the loan account No.P403PLC13018203. The allegation in the para 4 the defendant bank is very reluctant in the matter of furnishing statement of account and directing the plaintiff to pay the amount in the stipulated period. The defendant bank will provide statement of accounts periodically. The defendant bank follows the RBI norms and guidelines with due process of law. The defendant bank will not collect any amount without issuing the receipt. The defendant strictly follows the RBI guidelines, therefore the defendant is furnished all the statement of accounts in their mobile app, after receiving all the statement of account the plaintiff is denying the same and the defendant did not disturb the plaintiff's peaceful possession. Hence these allegations are baseless and these are invented stories created for the purpose

of filing the present suit. The defendant states that they only act upon as per the Loan Agreement entered into between the plaintiff and the defendant and the Most Important Terms and Conditions (MITC) this agreement.

Further the respondents states that the loan account bearing No.P403PLC13018203 reflects an outstanding loan amount of Rs.6,92,992/- as of 14th October 2025. Therefore the total amount due and payable by the plaintiff to the defendant under the aforementioned loan account is Rs.6,92,992/-. Towards further interest component as Rs.1,92,645/- of 14th October 2025. Therefore the total amount due and payable by the plaintiff to the defendant under the aforementioned loan account. The defendant asserts that the plaintiff in an attempt to avoid payment of the loan dues, has filed the present suit seeking permanent injunction. The defendant has followed all legal and contractual procedures in seeking repayment and has acted in accordance with the terms of the loan agreement. In the light of the above the defendant submits that the plaintiff's attempt to avoid repayment through this suit is an unjustified attempt to delay the legitimate recovery of dues. Hence the respondents prays to dismiss the above petition with costs.

4. Now, the point for consideration is whether the petition filed under Order 39 Rule 1 & 2 of CPC has to be allowed or not?

5. The petition and other materials available on records were carefully perused. Both side have not examined any witness and have not marked any exhibits and documents.

6. Materials perused. Heard on Petitioner side.

7. Admittedly, the suit is filed for the relief of permanent injunction. According to the petitioner, on 28.06.2024, he availed a personal loan from the Respondent/defendant. The petitioner states that he made periodical payment without any break. The petitioner further states that during the month of May 2025, he had approached the Respondent/defendant and asked for the proper statement of accounts, but the Respondent/defendant has refused to disclose the accounts to him and as a result his financial crisis had stopped him from making further payments in regard to such Personal Loan account. The petitioner further states that he has approached the Respondent/defendant several times and requests them to disclose the statement of accounts, the Respondent/defendant have decline to do so. The petitioner states that in such basis, the collection executive from the Respondent/defendant company had approached him and asked for payments and he has requested the executive to disclose the statement of accounts, but without disclosing the statement of accounts, the Respondent/defendant with musclemen under the guise of collection agents, have got the tendency to harass the customers like him, that in the event of forcible collections, they will be given sizable amounts

as a commission for having rendered such services. The petitioner states that the Respondent's/defendant's collection agents harassing and threatening him and his family members even during late hours also. The petitioner states that the Respondent/defendant collection agent regularly came in to the petitioner's house on 20.05.2025, 29.05.2025, & 09.06.2025 and he demanded personal loan amount without any receipt statements of accounts and Respondent/defendant collection agent threatening him and used filthy language against him before the public.

8. Per contra, the respondent contended that the allegations are baseless and these are invented stories created for the purpose of filing the present petition. The respondent states that the petitioner in an attempt to avoid payment of the loan dues, has filed the present petition and the respondent has followed all legal and contractual procedures in seeking repayment and has acted in accordance with the terms of the loan agreement. The respondent submits that the petitioner's attempt to avoid repayment through this petition is an unjustified attempt to delay the legitimate recovery of dues and the respondent prays to dismiss the above petition.

9. Upon careful consideration of the above contentions, it is noted that the petitioner has not placed before this court any proper evidence to prove the above stated interference by the respondent. The burden of proof is on the petitioner to prove the same to claim any interim relief which in the perspective of this court, the

petitioner has failed to establish. Therefore, this court is not inclined to grant the relief as prayed for in this petition.

In the result, this petition is dismissed. No costs.

Dictated directly to the steno-typist, typed by her in the computer, corrected and pronounced by me in open court, this the 4th day of March 2026.

District Munsif,
Thiruvottiyur.

List of exhibits and witnesses on Both sides: Nil

District Munsif,
Thiruvottiyur.