



WP (MD) No.13962 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 13.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.13962 of 2022**

N.Krishnammal

... Petitioner

Vs

1.The Regional Manager,  
Union Bank of India,  
No.72, PT Rajan Road,  
Bibikulam, Narimedu,  
Madurai.

2.The Branch Manager,  
Union of India,  
No.1A, PSR Road,  
Sivakasi,  
Virudhunagar District 626123.

3.Chellaththai

[R3 is impleaded vide Court order  
dated 03.08.2022]

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records pertaining to the 2<sup>nd</sup> respondent letter No.29441/DEATH CLAIM/02, dated 05.04.2022 seeking the legal guardianship certificate and quash it as illegal and consequently direct



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the 2<sup>nd</sup> respondent bank to accept the legal heir certificate, 01.03.2022 and release all the gold ornaments pledged in Gold Loan No.2944101000026689, 294416540000142, 294430100023372, 294430100025635 and 294430100026582 as also refund the amount standing in the current account No. 294411100001705, directing the 2<sup>nd</sup> respondent to return the gold ornaments pledged against the gold loan amount.

For petitioner : Mr.Samy.K.K

For Respondent : Mr.N.Dilipkumar

Nos.1 & 2

For Respondent : Mr.Ayiram K.Selvakumar

No.3

### **ORDER**

The petitioner has challenged the order of the 2<sup>nd</sup> respondent rejecting the request of the petitioner to redeem the jewels pledged by her husband and to pay the amount lying in his saving account.

2.The learned Counsel for the petitioner claims that the petitioner is the second wife of one deceased Nallasamy and he pledged the jewels with the respondent bank and unfortunately he passed away on 25.05.2021. His son one Dineshkumar was born to him through his first wife and now the petitioner and the son are the legal heirs of the deceased Nallasamy. While so, the petitioner approached the respondent bank for redemption of the jewels and for the



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disbursement the savings money. However, the respondent bank rejected the request of the petitioner on the ground that there is rival claim in this regard.

3.The learned Counsel for the respondent bank submits that the deceased Nallasamy in the nominee column had mentioned his minor son Dinesh Kumar and however, the petitioner and the third respondent are claiming to be the legal guardian of the minor Dinesh Kumar and therefore, the parties were directed to produce the legal guardianship issued by the competent Court and till then it was decided to keep the claim pending.

4.It appears there is a rival claim in respect of the legal guardianship of the minor Dinesh Kumar, between the petitioner and the third respondent. Therefore, they were directed to produce the legal guardianship certificate issued by the competent court. Under such circumstances, this Court is not inclined to entertain the writ petition and the petitioner shall work out her remedy before the competent civil Court.

Accordingly, this writ petition is dismissed . No costs.

13.07.2023

dsk

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To

WEB CASE

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WEB COPY



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**B.PUGALENDHI, J.**

**dsk**

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