

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.21688 of 2014

A.Manoharan

... Petitioner

Vs.

1.The General Manager
Indian Overseas Bank
Head Office
Mount Road, Chennai 600 002.

2.The Manager
Indian Overseas Bank
Vyasarpadi Branch
Chennai 600 039.

3.Sundari
(R3 impleaded as per order made in
M.P.No.1 of 2015 in W.P.No.21688 of 2014)

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the second respondent to disburse the petitioner's Fixed Deposit amounts vide Fixed Deposit Receipt Nos.2011/NDRJ/652047, 2011/NDRJ/652049, 2011/NDRJ/652050, which got matured on dated 07.03.2014, along with interest to him within a stipulated period.

For Petitioner : Mr.M.Madhan Kumar

For Respondent : Mr.A.Sermaraj - R1 & R2

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.M.Madhan Kumar, learned Counsel appearing for the

petitioner and Mr.A.Sermaraj, learned counsel appearing for 1 & 2.

3.The petitioner seek for issuance of a writ of mandamus to direct the second respondent to disburse his Fixed Deposit amounts vide Fixed Deposit Receipt Nos.2011/NDRJ/652047, 2011/NDRJ/652049, 2011/NDRJ/652050, which got matured on dated 07.03.2014, along with interest.

4.According to the petitioner, Fixed Deposits which have been deposited in his name and in the name of his wife Mrs.S.Sundari, have matured, but, he is unable to withdraw the same since the whereabouts of the third respondent wife is not known to the petitioner.

5.The respondents Bank would contend that the wife has lodged an objection, not to release the entire amount to the petitioner.

6.It is seen that the petitioner has joint account along with his wife. Therefore, there can be no objection for the Bank to release 50% of the amount deposited together with accrued interest. It is stated that the two minor children are in the custody of the petitioner and the third respondent has not taken care of the minor children and the petitioner requires money urgently so that he can maintain the children and for their educational purpose.

7.In the light of the above, there will be a direction to the respondents 1 & 2 to release 50% of the amount lying in deposit along with accrued interest to the petitioner, within a period of six weeks from the date of receipt of a copy of this order and the remaining 50% shall be retained in 'Cumulative Deposit Scheme', till the petitioner obtains order from the competent Court.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

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To

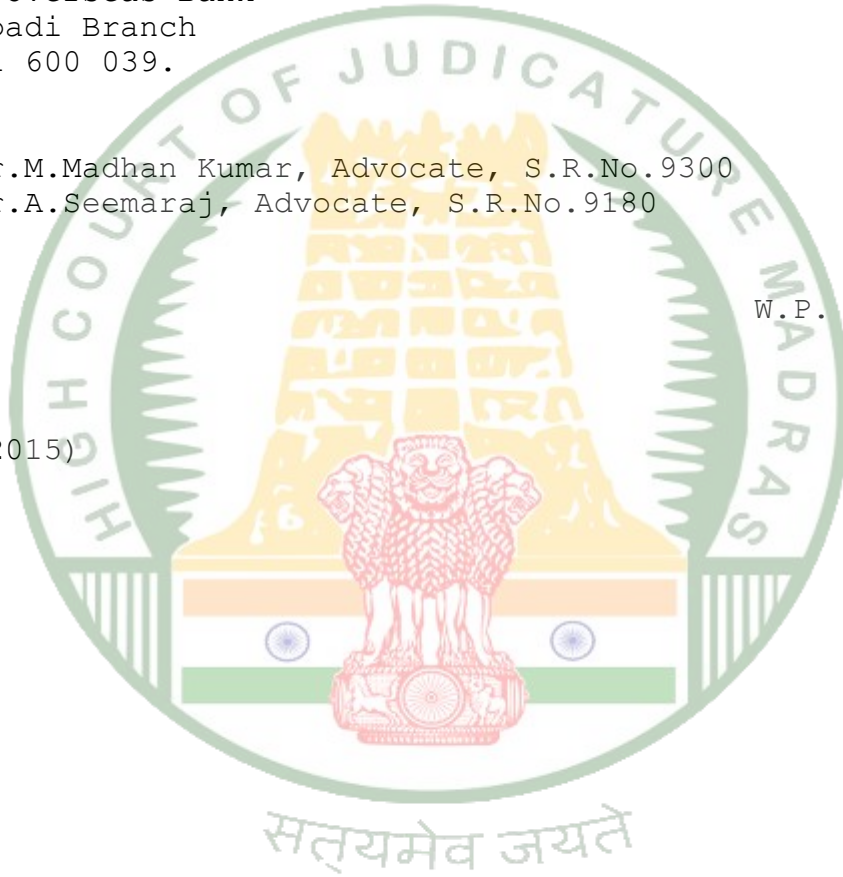
1.The General Manager
Indian Overseas Bank
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Mount Road, Chennai 600 002.

2.The Manager
Indian Overseas Bank
Vyasarpadi Branch
Chennai 600 039.

+1cc to Mr.M.Madhan Kumar, Advocate, S.R.No.9300
+1cc to Mr.A.Seemaraj, Advocate, S.R.No.9180

W.P. No.21688 of 2014

vd (CO)
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