

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.08.2015

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.8709 of 2015

K.Lakshmi

... Petitioner

vs.

1.The Zonal Manager,
Chennai Zone,
State Bank of India,
21, Rajaji Salai,
Chennai-600 001.

2.The Branch Manager,
State Bank of India,
Ambattur Branch,
Ambattur, Chennai-600 053.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents, especially the second respondent, to disburse the sum of Rs.1,30,000/- vide TDR Account No.30157714479 together with prevailing interest rate from the date of maturity till the date of disbursal along with the amount available in savings bank account in S.B. Account No.10402768369 to the petitioner as nominee of the late K.R.Padmanabhan.

For Petitioner ... Mr.N.Vanaraj

For Respondents .. Mr.P.D.Audikesavalu

ORDER

The petitioner is the nominee of one K.R.Padmanabhan, who died without any issues. After the death of the said K.R.Padmanabhan, the petitioner made a request to the respondents to disburse the sum available in TDR Account No.30157714479 along with the amount available in savings bank account in S.B. Account No.10402768369, with interest. As it was not granted, the present writ petition has been filed.

2.Admittedly, the petitioner is the nominee of the deceased K.R.Padmanabhan. She is the niece of the deceased person's wife. It appears that a counter claim has been made by the two sisters of the deceased. That is the reason why, the amount has not been disbursed.

3.The law is quite settled that the nominee is the trustee for other legal heirs. The respondents' responsibility would end by allowing the nominee to receive the amount after the death of the deceased. In other words, the respondents are duty bound to pay the amount. Accordingly, a direction is issued to the respondents to disburse the amount payable to the petitioner, pursuant to the death of K.R.Padmanabhan. This order is passed without prejudice to the rights of other legal heirs, which can be agitated before the appropriate Forum. The petitioner will have to execute an indemnity bond as required by the respondents in this regard. It is made clear that the interest accrued, which is liable to be paid, as per law, has also to be paid to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1.The Zonal Manager,
Chennai Zone,
State Bank of India,
21, Rajaji Salai,
Chennai-600 001

2.The Branch Manager,
State Bank of India,
Ambattur Branch,
Ambattur, Chennai-600 053

+1 cc to Mr.N.Vanaraj Advocate sr.40689
+1 cc to Mr.P.D.Audikesavalu, Advocate sr.40848

W.P.No.8709 of 2015

vd(co)
aa18/08/2015