

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2015

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THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.29867 of 2012
and M.P.Nos.1 and 2 of 2012

1. R.Ramamani
2. Karthik R.Baradwaj
3. Arvind R.Bharadwaj .. Petitioners

Vs.

1. The Branch Manager,
State Bank of India,
Mylapore Branch,
46/1, Luz Church Road,
Chennai - 600 004,
2. Ramjee Jagannathan,
Saivilla 3rd Floor,
No.7/7, Dr.Ranga Road,
Mylapore,
Chennai - 600 004. .. Respondents

Prayer: Writ Petition is filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to provide all the details of deposits held by the husband of the 1st petitioner with the first respondent Bank.

For Petitioners : Mr.J.Balachander
For Respondents : Mr.Joseph Prabakar for R.2
No appearance for R.1

ORDER

Despite notice having been served and counter has been filed, none appears for the 1st respondent Bank. This writ petition has been filed by the petitioners claiming to be the legal heirs of one S.Ramadurai (since deceased) seeking a direction to the 1st respondent to provide all the details of the deposits held by him.

2. When the matter is taken up for hearing, a compromise memo dated 24.8.2015 duly signed by the petitioners on the one hand and respondent No.2 on the other hand has been filed. Learned counsel appearing for respondent No.2 has also submitted that the compromise

memo may be recorded and as per the same, the 1st respondent may be directed to make payment in favour of the petitioners. Learned counsel appearing for the petitioners also submitted that a fixed deposit in F.D.R.No.30250518976 for a sum of Rs.3,00,000/- is also lying with the 1st respondent Bank. Hence, a direction may also be issued in respect of the said Fixed Deposit.

3. The compromise memo dated 24.8.2015 entered between the petitioners and 2nd respondent is extracted hereunder:

'1. The above Writ Petition filed by the Petitioner seeking a Writ of Certiorarified Mandamus to call for the records of the deceased late S.Ramadurai and to direct the First Respondent Bank to pay all the amounts lying to the credit of the deceased S.Ramadurai to the Petitioners who are the legal heirs of the afore said deceased and to restrain the First Respondent from disbursing the funds to the nominee or Joint Account Holder.

2. During the pendency of the proceedings, the Petitioner and the Second Respondent mutually agreed for a compromise to settle the disputes between them over the funds of the deceased Mr.S.Ramadurai on the following terms.

i) The Second Respondent who has been made a joint account holder/ nominee by the aforesaid deceased in the following deposits admits that the said amounts belong to the aforesaid deceased and he has no objection for the said sums along with accrued interest till date be paid over to the Petitioner as they are the only legal heirs of the aforesaid deceased and are entitled to the same on the death of the deceased Mr.S.Ramadurai and the details of the said Fixed Deposits are as under

Sl. No.	Fixed Deposit	Amount	Date of Deposit
1.	F.D.NO.30174041795	Rs.3,00,000/-	13.05.2007
2.	F.D.NO.30196109624	Rs.5,00,000/-	27.06.2007
3.	F.D.NO.30196110142	Rs.5,00,000/-	27.06.2007

ii) The second respondent also state that apart from the above fixed deposits stated supra, he has no objection for the petitioners to withdraw the amounts lying to the credit of the deceased in any other Fixed deposits made in either State Bank of India or any other bank/s in which the deceased has made the 2nd respondent either as nominee/joint account holder, the 2nd respondent has no objection

for these amounts to be taken by the petitioners.

iii) The Second Respondent also agrees that he has no objection for payment of the amount standing to the credit of the deceased in SB A/c. 10476624648 along with accrued interest thereon maintained with the First Respondent as on date, since they are legal heirs and are entitled to the same.

iv) The Second Respondent hereby agrees he has no objection for payment of the amount standing to the credit of the deceased in PPF A/c bearing No.10416643707 along with accrued interest thereon maintained with the First Respondent be paid to the petitioner as they are the legal heirs entitled to the same.

v) The Petitioners hereby agree that they shall not make any claim/ demand over the withdrawal of the sums of Rs.10,00,000/- (Rupees Ten lacs only) made by the Second Respondent from the SB A/c No.10476624648 on 07.06.2010 in future since the Second Respondent has come forward to amicably settle the sums lying to the credit of the deceased and also withdraw the allegations made against the Second Respondent.

vi) The Second Respondent also agrees to handover all the Records and personal belongings of the deceased to the petitioners which are in his possession, if any.

vii) Both the parties agree and undertake that they will not make any rival claim against each other either individually or jointly in future before any court of law with respect to the amounts belonging to the deceased Ramadurai.

3. It is respectfully prayed that this Hon'ble Court may be pleased to take the compromise memo on record and pass suitable orders and thus render justice.'

4. In the counter affidavit filed also, the 1st respondent Bank has stated that the particulars would be given if appropriate directions are issued by this Court in this regard.

5. In view of the subsequent developments, there is no difficulty in directing the 1st respondent to furnish all the details of deposits held by the deceased S.Ramadurai.

6. Accordingly, the writ petition is disposed of directing the 1st respondent Bank to furnish all the details of the amounts lying in the accounts/fixed deposits of the deceased S.Ramadurai to the petitioners within a period of two weeks from the date of receipt of copy of this order. Thereafter, the 1st respondent shall take

appropriate steps on the request of the petitioners to disburse the amounts as per the compromise memo filed by the petitioners on the one hand and the 2nd respondent on the other hand. The above directions are also applicable in respect of the fixed deposit in F.D.R.No.30250518976 for a sum of Rs.3,00,000/-. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar(CO)
dt:13/10/2015

True Copy

Sub-Assistant Registrar

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To

1. The Branch Manager,
State Bank of India,
Mylapore Branch,
46/1, Luz Church Road,
Chennai - 600 004,

+1 cc to Mr.J.Balachander Advocate sr.54137
+1 cc to Mr.Joseph Prabakar Advocate sr.54387

W.P.No.29867 of 2012

ad(co)
aa14/10/2015

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