

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31694 of 2016

B.Ramesh Babu

.. Petitioner

versus

Indian Overseas Bank
Esplanade Branch
Rep. by its Assistant General Manager
No.7, Chennai House
Chennai-600 108.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent relating to the impugned order passed by the respondent dated 08.07.2016 bearing Ref.No.Nil and quash the same and consequently, direct the respondent to credit / hand over the amounts lying to the credit of the Savings Bank Account No.004801000043740 of late Vijayalakshmi to the petitioner.

For Petitioner : Mr.Premkumar
for M/s.Sai Bharath & Ilan

For Respondent : Mr.Benjamin George

O R D E R

The petitioner is aggrieved against the order passed by the respondent Bank dated 08.07.2016, calling upon the petitioner to furnish two third party sureties indemnity having worth double the value of claim amount along with their KYC documents, for the purpose of processing the petitioner's claim for releasing the amount available in the Saving Bank Account maintained by one B.Vijayalakshmi, who is claimed as the sister of the petitioner herein. It is stated that the said B.Vijayalakshmi died intestate on 17.11.2014 leaving behind the petitioner herein, his elder sister Arimilli Venkatalakshmi and his younger brother B.Nagendra Babu, as her legal heirs. It is also stated that the legal heir Certificate has been issued by the Tahsildar, Mambalam Taluk. It is further stated that the petitioner's brother and sister are living abroad and they have executed the Power of Attorney in favour of the petitioner.

2. The grievance of the petitioner is that when he wanted to get the money released from the saving bank's account maintained by the deceased in the respondent Saving Bank Account, the respondent is insisting upon the petitioner to furnish two third party sureties.

3. A counter affidavit is filed before this Court by the respondent Bank, wherein, it is stated that the other legal heirs are not before this Court and the Bank, which is public sector Bank has issued the impugned communication in order to protect its interest.

4. Upon perusing the facts and circumstances of this case, this Court is of the view that the dispute between the parties is to be resolved before the competent Civil Court by filing appropriate proceedings, as admittedly, the deceased died intestate and issue less. Therefore, without expressing any view on the claim made by the petitioner, this writ petition is disposed of, by directing the petitioner to resort the remedy available under Civil Law before the competent Civil Court. In the meantime, the respondent Bank shall convert the amount available in the Saving Bank Accounts of the deceased into fixed deposit Account, till a decision is arrived by the competent Civil Court. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mk

To

The Assistant General Manager
Indian Overseas Bank
Esplanade Branch
No.7, Chennai House
Chennai-600 108.

+1cc to Mr.Sai Bharath, Advocate, S.R.No.86685

W.P.No.31694 of 2016

RRK(13/12/2017)