

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.10.2018
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.6920 of 2018

Cynthia Nelson ... Petitioner

Vs

1.Chief Manager,
Indian Overseas Bank,
MMDA Nagar Branch,
Arumbakkam,
Chennai- 600 106.

2.The Assistant General Manager,
Indian Overseas Bank,
Customer Service Department,
Central Office, 763, Anna Salai,
Chennai-600 002.

3.Arun Jacob

4.Dr.Samuel Dinesh ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to take inventory about the items available in the safe locker in respect of Locker No.159, which stands in the name of Late Alfred Pandian and Late Vasantha Alfred Pandian in the presence of the petitioner and respondents 3 and 4 and furnish the details of items available in Locker.

For Petitioner : Mr.M.K.Kabir, SC for

Mr.G.Krishnakumar

For R1 & R2 : Mr.K.Balajee

For R3 & R4 : Mr.M.P.John Peter

ORDER

The limited prayer made in this writ petition is to direct the first respondent to take inventory about the items available in the safe locker bearing Locker No.159, which originally stood in the name of the parents of the petitioner and now, in the name of the fourth respondent, and furnish the details of the same.

2.According to the petitioner, she is the eldest sister of the respondents 3 and 4. Out of love and affection, her parents had executed two settlement deeds on 30.07.2007, which were registered on the file of the Sub Registrar Office, Kodambakkam. However, the original of the said documents have not been handed over to the petitioner, even after the demise of her parents and the same were kept in the locker along with other valuable items. Hence, she submitted a representation on 24.11.2016 to the first respondent requesting to take inventory of the Locker No.159 in the presence

of all the parties. Since the said request was not considered, the petitioner approached the Appellate Authority in this regard. Even thereafter, her request was not considered. Therefore, the petitioner is before this Court.

3.Stoutly refuting the averments made in the writ petition, the learned counsel for the respondents 3 and 4 submitted that the original documents of the settlement deeds are very much available with the petitioner only. The learned counsel, on instructions, further submitted that the respondents 3 and 4 have no objection for taking inventory of the Locker No.159 by the bank in the presence of the fourth respondent and furnishing the details of the same to the respective parties.

4.The aforesaid submissions of the learned counsel for the respondents 3 and 4 are recorded. In view of the same, the respondent bank is directed to take inventory of the Locker No.159 in the presence of all the parties, after issuing due notice to them, and furnish the details of the same to the respective parties. Such an exercise shall be completed by the respondent bank within a period of four weeks from the date of receipt of a copy of this order.

R.MAHADEVAN, J.

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5.Accordingly, this writ petition stands disposed of. No costs.

09.10.2018

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Index: Yes/ No

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