

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM :

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.No.2108 of 2016

Kavitha

... Petitioner

Vs.

The Branch Manager,
Indian Overseas Bank,
District Court Branch,
Erode.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to close the Fixed Deposits which the petitioner deposited in the respondent bank in F.D.No.182504271500001 for Rs.1,50,000/- in petitioner name, F.D.No.182504271500002 for Rs.1,00,000/- and F.D.No.182504271500003 for Rs.50,000/- in the name of the petitioner's minor son respectively and hand over the cash to the petitioner.

For Petitioner : Mr.G.Karthikeyan
For Respondent : Mr.F.B.Benjamin George

O R D E R

The writ petition has been filed seeking for issuance of a writ of mandamus directing the respondent / the Branch Manager, Indian Overseas Bank, District Court Branch, Erode, to close the Fixed Deposit amount deposited by her in the respondent Bank for a sum of Rs.1,50,000/- in F.D.No.182504271500001 and Rs.1,00,000/- in F.D.No.182504271500002 and a sum of Rs.50,000/- in F.D.No.182504271500003 towards her son's name.

2. Heard, Mr.G.Karthikeyan, the learned counsel for the petitioner and Mr.F.B.Benjamin George, the learned counsel for the respondent.

3. It is submitted by the learned counsel for the petitioner that the petitioner had married one Mr.Kanagaraj, six years ago, and out of the said wedlock, a male child was born and he is now aged about five years. While so, on 20.03.2013, her husband died in a road accident in Gujarat and he was working in a

private concern at the time of the said accident. Thereafter, she had filed a petition claiming compensation for the death of her husband under the provisions of the Motor Vehicles Act on the file of the Sub-Court, Erode, and during the pendency of the claim petition, the matter was referred to the Lok Adalat, whereby the petitioner had agreed to receive a sum of Rs.7,00,000/- in full quit towards the compensation for the death of her husband.

4. On receipt of the amount, it is stated, she had deposited a sum of Rs.1,50,000/- and another sum of Rs.1,00,000/- in her name in a Fixed Deposit bearing the above said account numbers and again, she had deposited a sum of Rs.50,000/- towards her son's name. Although she had deposited the said sum for a period of 10 years, she wanted to withdraw the same to settle the loan obtained by her, therefore, she had approached the respondent Bank on 04.12.2015. But, the Branch Manager had refused to close her account and instead advised her to come with an Advocate, who appeared for her before the Court. Subsequently, she had issued a legal notice dated 08.12.2015, but, the same went in vain, hence, the present writ petition with a prayer cited supra.

5. Learned standing counsel appearing for the respondent Bank, by filing a counter affidavit, stated that instead of approaching this Court, the petitioner ought to have approached the respondent for considering her request. It is also further stated that since the petitioner had sought for closure of account, the respondent had expressed difficulty in closing the said account as the petitioner's son was minor.

6. At this juncture, it is stated by the learned counsel for the petitioner that the respondent Bank may be directed to transfer the said sum from Erode Branch to Mettupalayam Branch for the convenience of the petitioner for easy access. Replying to the same, learned counsel for the respondent Bank stated that the Bank has no objection to transfer the said sum as requested by the petitioner.

7. Recording the above said submissions, the writ petition is disposed of directing the Branch Manager, Indian Overseas Bank, Erode, to transfer the sum deposited by the petitioner in F.D.Nos.182504271500001, 182504271500002 and 182504271500003, from Erode Branch to Mettupalayam Branch, within a period of one week from the date of receipt of a copy of this order. No costs.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

dna/rkm

To

The Branch Manager,
Indian Overseas Bank,
District Court Branch,
Erode.

+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.1618

+1cc to Mr.F.B.Benjamin George, Advocate, S.R.No.1847

W.P.No.2108 of 2016

GSP (25/01/2019)