

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.03.2019

CORAM
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31841 of 2018
and
W.M.P.Nos.37081 & 37082 of 2018

V.N.Duraisamy

...Petitioner

Vs.

1. The Zonal Manager,
Corporation Bank,
NCR Road, Saibaba Colony,
Coimbatore.

2. The Chief Manager,
Corporation Bank,
Mugasianumanpalli Branch,
Pavadi Street, Achalur (Via),
Erode Taluk and District,
Tamil Nadu - 638101.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order in Ref.No:OR/CB-249/ /2018-19 dated 03.10.2018 of the 2nd respondent and quash the same and consequently direct the 2nd respondent to permit the petitioner to operate his Savings Bank Account in Account No. 520101072324534 (old account No.024900101005295) with the 2nd respondent Bank by using his left thumb impression.

For Petitioner : Mr.D.R.Arun Kumar

For Respondents: Mr.S.Sethuraman

O R D E R

The petitioner is aggrieved against the proceedings of the 2nd respondent dated 03.10.2018, wherein and whereby, the petitioner was requested to obtain and produce necessary Court order for transaction in his Bank Account held with the 2nd respondent-Bank in Savings Bank Account No.520101072324534.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents-Bank.

3. The petitioner, now aged about 74 years has opened a Savings Bank Account with the 2nd respondent-Bank in Account

No.520101072324534. It is stated that few months back, the petitioner affected with Parkinson disease and got his limbs weaken, which has resulted in not enabling the petitioner to sign and operate the Bank Account. It is stated that the petitioner has no issue and his wife has predeceased him. Now, the petitioner seeks to operate his Bank Account by putting his left thumb impression instead of affixing his signature. When such request was made by the petitioner, the petitioner issued the impugned communication by stating that the petitioner was not in a position to convey his instruction to the Bank and therefore, they were not in a position to consider his request favourably.

4. The learned counsel for the petitioner invited this Court's attention to 3 Medical Certificates, dated 20.09.2018, 22.09.2018 and 09.03.2019, issued one by Neurologist, namely, Dr.G.Vikramraj at Erode Medical Centre, Erode and other two by Dr.S.Myilsamy, Senior Assistant Surgeon, Government Hospital, Perundurai, Erode District. The Neurologist, through his certificate dated 20.09.2018 certified that the petitioner is suffering from Parkinson plus Syndrome with Dystonia of limbs and hence, he cannot put his signature and that his left thumb impression may be used for banking purposes. Similar certificate was issued by the other Doctor, namely, Dr.S.Myilsamy on 22.09.2018 and 09.03.2019. In the last certificate dated 09.03.2019, Dr.S.Myilsamy also certified that the petitioner's vision and hearing are normal and he is obeying oral commands and expressing his thoughts by touching the letters and by gestures.

5. When the competent Medical Professionals have given such Certificates, I do not think that the respondent-Bank can reject the request of the petitioner to operate his Bank Account by putting his left thumb impression.

6. Considering the above stated facts and circumstances, this Writ Petition is allowed and the impugned order of the second respondent is set aside. Consequently, the second respondent is directed to permit the petitioner to operate his Savings Bank Account No.520101072324534, by using his left thumb impression.

7. Needless to say that the petitioner has to personally go to the second respondent-Bank and operate the Bank Account by using his left thumb impression. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sni/maya

To

1.The Zonal Manager,
Corporation Bank,
NCR Road, Saibaba Colony,
Coimbatore.

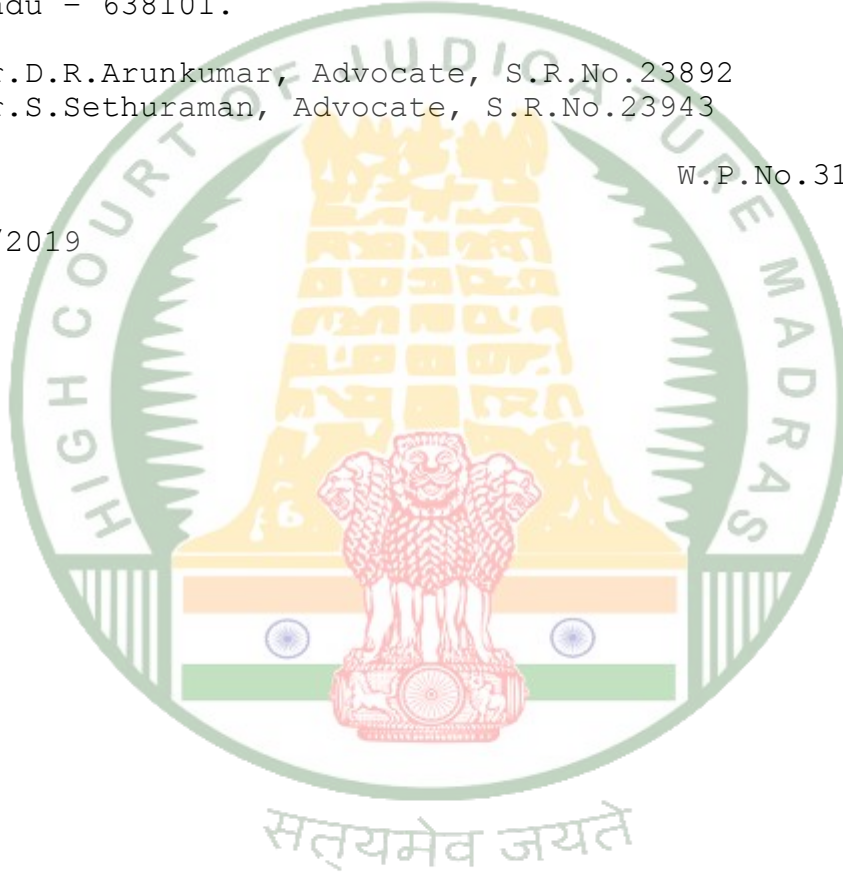
2.The Chief Manager,
Corporation Bank,
Mugasianumanpalli Branch,
Pavadi Street, Achalur (Via),
Erode Taluk and District,
Tamil Nadu - 638101.

+1cc to Mr.D.R.Arunkumar, Advocate, S.R.No.23892

+1cc to Mr.S.Sethuraman, Advocate, S.R.No.23943

W.P.No.31841 of 2018

rrs 15/03/2019



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