

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.01.2019

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.22940 of 2014

and

M.P.No.1 of 2014

1.Tmt.Mani

2.Tmt.Nithyakala

... Petitioners

Vs.

1.The Branch Manager,
Indian Bank, Kattampatti PO,
Kinathukadavu Taluk,
Chennai - 600 056.

2.Senior Manager(Law)
Zonal Officer, Indian Bank,
Coimbatore - 641 108.

3.S.Nagaraj

....Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of MANDAMUS, directing the respondents 1 and 2 to pay the amount lying in SB Account No.940738572 and fixed deposits in F.D. Account No.6126640683 & F.D. Account No.6126640898 and O.D. Account No.6126658385-Dr of the deceased depositor Raju with the first respondent Bank with accrued interest.

For Petitioners : Mr.R.Kannan

For Respondents : Mr.M.Balachander for R1

Mr.A.Vivek for R2

Mr.D.Selvaraju for R3

O R D E R

This writ petition has been filed seeking a direction to the respondents 1 and 2 to pay the amount lying in the Saving Bank Account No.940738572 and fixed deposits in F.D. Account No.6126640683 & F.D. Account No.6126640898 and O.D. Account No.6126658385 in the name of the first petitioner husband and father of the second petitioner.

2.The grievance of the petitioners are that one Raju, who is the husband of the first petitioner and father of the second petitioner having Saving Bank Account in the first respondent

Bank, in SB Account No.940738572 and also have a fixed deposit Account No. 6126640683 & F.D. Account No.6126640898 and O.D. Account No.6126658385. In the above said accounts, the third respondent who is the younger brother of the said Raju has been shown as nominee. Subsequently, on 29.10.2010, the said Raju died leaving behind the petitioners as his legal representatives. Thereafter, the petitioners made an application to the respondents 1 and 2 Bank for withdrawal of the amount lying in the above said deceased Raju account. The second respondent sent a reply stating that the petitioners should produce the suitable Court orders. Thereafter, legal notice also has been sent by the petitioners to the respondents. But, the respondents 1 and 2 have not properly responded to the same. Hence, the present writ petition.

3.The admitted facts are that the husband of the first petitioner was the account holder in the first respondent Bank, and he has also made fixed deposits and he died leaving behind the petitioners as his legal heirs and they are entitled to succeed the estate of the deceased Raju. Since the third respondent, who is the younger brother of the deceased Raju, has been shown as nominee to the deceased Raju in the above said accounts, now the first and second respondent Bank is saying that the amount will be disbursed only in favour of the third respondent, the nominee and not to the petitioners.

4.It is settled proposition of law that the nominee is only entitled to receive the amount lying in the name of the deceased person and he has no right to take the same and it is only the legal heirs of the deceased, who are entitled to get the amount standing in the name of the deceased person.

5.In the above said circumstances, the respondents 1 and 2 are directed to pay the amount lying in SB Account No.940738572 and also the amounts lying in the fixed deposits in Account No.6126640683, No.6126640898 and O.D. Account No.6126658385, deposited in the name of the deceased Raju to the third respondent, thereafter, the third respondent is directed to handover the amount to the petitioners immediately.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Branch Manager,
Indian Bank, Kattampatti PO,
Kinathukadavu Taluk,
Chennai - 600 056.

2.Senior Manager(Law)
Zonal Officer, Indian Bank,
Coimbatore - 641 108.

+1cc to Mr.D.Selvaraju, Advocate, S.R.No.3117

+1cc to Mr.R.Kannan, Advocate, S.R.No.2807

+1cc to Mr.M.Balachandar, Advocate, S.R.No.2387

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PA(CO)
GSP(26/02/2019)



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