



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

W.P. (MD) No. 3890 of 2019

R.M.Arun

... Petitioner

Vs

State Bank of India,
rep., by its
Branch Manager,
Cantonment Branch
Trichy.
No.1, Muthiah Tower,
Mc Donalds Road, Cantonment,
Trichy-620 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 02.07.2018 and 17.07.2018.

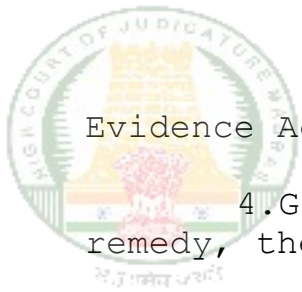
For Petitioner : Mr.R.Murali
For Respondent : Mr.C.Karthik

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother was having an account with the respondent. She was also maintaining a locker in the respondent Branch. She is said to be missing since 2009. The petitioner, who is her son has given a First Information Report in that regard. Since more than 7 years have lapsed, the petitioner now wants the respondent to permit him to operate his mother account as well as the locker. Since the respondent did not favorably respond to the petitioner's request, this Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondent Bank brought to my notice that the circular issued by their Head Office, which reads that in cases where the account holder is missing for more than seven years, certificate must be obtained from the jurisdictional Civil Court by raising the presumption under Section 108 of the Indian



Evidence Act, 1872.

4. Giving liberty to the writ petitioner to avail the said remedy, the Writ Petition is closed.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.C.KARTHIK, Advocate (SR-60493[F] dated 11/04/2019)

+1 CC to M/s.R.MURALI, Advocate (SR-60684[F] dated 12/04/2019)

rmk

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11.04.2019

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