



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

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

W.P. (MD) No.9898 of 2015

and

M.P. (MD) No.1 of 2015

K.Muthuraman

... Petitioner

Vs

1.The Manager,
Indian Bank,
28-A/1, Thiagigal Road,
Devakottai - 630 302,
Sivagangai District.

2.The Manager,
Indian Overseas Bank,
20, Thiyagigal Road,
Devakottai - 630 302,
Sivagangai District.

3.The Manager,
State Bank of India,
No.7, MC Donalds Road,
Contonment,
Trichirapalli - 620 002.

4.The Manager,
UCO Bank,
100 Feet Road, Near Devar Statue,
Opposite Kanadasan Manimandam,
Karaikudi-630 001.

5.Gandhimathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents 1 to 4 from in any way disbursing any amount or fixed deposits stands in the name of Kasiviswanathan, the petitioner's father or any other amount deposited by Kasiviswanathan, either in his name or jointly in the name of fifth respondent, till the right of the petitioner and fifth respondent over the estate of the deceased Kasiviswanathan is adjudicated by a competent Court of law.

For Petitioner : Mr.M.Ponniah

For R1, R3 & R4 : Mr.R.Sethuraman

Special Government Pleader

For R2 : Mr.N.Dilipkumar

For R5 : Mr.S.Lakshmi Kanth

**ORDER**

Heard the learned counsel on either side.

2.The petitioner is the son of the fifth respondent. The petitioner's grievance is that the respondent banks have handed over the Fixed Deposit amounts that stood in the name of his father to the fifth respondent. The stand of the banks appear to be that the fifth respondent was shown as the nominee in the bank accounts and therefore the banks were left with no other option but to disburse the money to the fifth respondent.

3.As rightly pointed out by the learned counsel for the petitioner, the fifth respondent has been shown as the nominee. She must hold it as trustee for distribution among all the legal heirs. But then, the petitioner will have to pursue his case only against the fifth respondent and there is no point in suing the bank.

4.The learned counsel for the petitioner states that the petitioner has already filed O.S.No.43 of 2015 on the file of the learned Principal District Judge, Sivagangai in this regard.

5.The learned Principal District Judge, Sivagangai is directed to expedite the said suit proceedings and conclude the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal District Judge,
Sivagangai.

2.The Manager,
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Devakottai - 630 302,
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+1 CC to M/s.M.PONNIAH, Advocate (SR-54151[F] dated 14/03/2019)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-54433[F] dated
15/03/2019)

+1 CC to M/s.S.LAKSHMI KANTH, Advocate (SR-54816[F] dated
18/03/2019)

W.P. (MD) No.9898 of 2015
and
M.P. (MD) No.1 of 2015

14.03.2019

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