



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

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

W.P. (MD) No.17224 of 2018

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Manimuthusamy Family Trust,
Represented by its Managing Trustee,
M.Manoharan

... Petitioner

Vs

The Branch Manager,
State Bank of India,
Woriyur,
Trichy.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to defreeze the current account in Account No.3102-698-6151 of M/s.Manimuthusamy Family Trust and permitted to operate the said account by considering the petitioner's representation dated 02.05.2018.

For Petitioner : Mr.K.Balasubramani
For Respondent : Mr.S.Sethuraman

ORDER

The petition mentioned account standing in the name of the writ petitioner trust, is being maintained by the respondent herein. It appears that it has been frozen. The petitioner wants the said account to be defreezed.

2.When the matter was taken up for hearing, the learned standing counsel appearing for the bank submitted that O.S.No.489 of 2012, on the file of the Principal Sub Court, Trichy, was filed by Vetrivel against as many as 15 defendants and that the respondent/bank is figuring as the 15 defendant. He would also point out that the subject bank account was shown in the suit schedule. The suit was partly decreed and the matter is presently pending in S.A.(MD)No.151 of 2018.

3.As rightly pointed out by the learned Standing Counsel appearing for the respondent, the petitioner must file a miscellaneous petition in the second appeal to get relief. In this writ petition, the bank alone has been shown as the respondent and the other contesting persons are not impleaded as parties.



4. Therefore, granting leave to Mr. Manoharan, to file a miscellaneous petition in the Second appeal, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

TO:

The Branch Manager,
State Bank of India,
Woriyur, Trichy.

1 CC to M/s. S. SETHURAMAN, Advocate (SR-54245[F] dated 15/03/2019)

+1 CC to M/s. K. BALASUBRAMANI, Advocate (SR-54511[F] dated 15/03/2019)

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DS/ /SAR- (28.03.2019) 2P 4C