



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD)No.18094 of 2019

Muthulakshmi

... Petitioner

Vs.

1.The Joint Registrar,
Joint Registrar of Co-operative Societies,
District Collector Campus,
Karur.

2.The President,
MM 342, Primary Agricultural Co-operative Society,
Kalugur,
Karur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 20.06.2019 and thereby disburse the matured Fixed Deposit Amount in FD No.70607030004261 along with accrued interest.

For Petitioner : M/s.J.Madhu

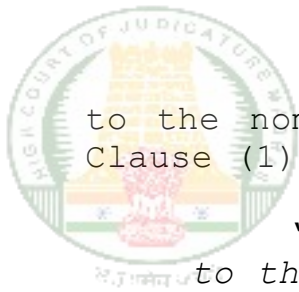
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

Heard M/s.J.Madhu, learned counsel for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader for the respondents.

2. This writ petition is filed seeking a Mandamus to direct the respondents to consider the representation of the petitioner dated 20.06.2019 and also disburse the matured Fixed Deposit Amount in FD No.70607030004261 along with accrued interest.

3. The petitioner is a Class-II heir of the deceased Mookayee. The deceased Mookayee got married in the year 1978 and she was also deserted by her husband in the year 1992 and she had no issues and she was living alone. The deceased has also made a deposit for a sum of Rs.1,00,000/- in the second respondent Society. As she was alone, the petitioner's family was taking care of her till her death on 18.02.2019. The amount deposited with the second respondent Society was matured on 23.04.2019. The Fixed Deposit also contains the name of the petitioner, who is the sister of the deceased, as the nominee. As there is a nominee, the respondent Society is obliged to disburse the matured amount



to the nominee. In this regard, it is useful to extract Sub-Clause (1) of Section 45 ZA of the Banking Regulation Act, 1949:

"(1) Where a deposit is held by a banking company to the credit of one or more persons, the depositor or, as the case may be, all the depositors together, may nominate, in the prescribed manner, one person to whom in the event of the death of the sole depositor or the death of all the depositors, the amount of deposit may be returned by the banking company."

4. When there is a nominee made even at the time of deposit, the respondent Society ought to have returned the money to the nominee, when a nominee is only a custodian of the amount and the amount does not vest with her. The purpose of nomination itself to receive the amount in the event of death of the depositor. Even though there are other legal heirs for the deceased, when a specific nomination is made, it is incumbent upon the respondents to return the matured amount to the nominee. As the petitioner is the nominee, she is entitled to receive the matured amount of the Fixed Deposit No.70607030004261 from the respondent Society. Therefore, the respondents are directed to return the matured amount to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

Sub Assistant Registrar (CS)

Pm

The Joint Registrar,
Joint Registrar of Co-operative Societies,
District Collector Campus,
Karur.

+1 CC to MR.J.MADHU, Advocate (SR-103710[F] dated 05/12/2019)

+1 CC to MR.SPL GP (SR-103826[F] dated 06/12/2019)

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