



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 10.07.2020

CORAM :

WEB COPY

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

W.P(MD).No.1744 of 2017
and
W.M.P(MD) No.1427 of 2017

Pappa

... Petitioner

Vs.

The Branch Manager,
The Kovilpatty Co-operative Urban Bank Ltd.,
Thena Lodge, (Opposite to old Bus Stand)
Main Road,
Kovilpatty.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to pass orders on the representation of the petitioner dated 21.12.2016 received by the respondent on 22.12.2016 and to return the amount to the petitioner with the simple interest to the credit of amounts available in the savings Bank account and Term Deposits account of Thiru Ramanujam the deceased husband of the petitioner.

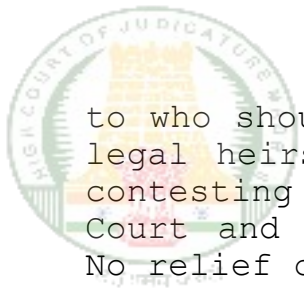
For Petitioner : No appearance

For Respondent : Mr.Pon Senthil Kumaran

ORDER

None appeared on behalf of the petitioner yesterday (09.07.2020). Therefore, the writ petition was directed to list under the caption 'for dismissal'. Even today, none appears. However, the matter can be disposed of based on the instructions given by the learned counsel appearing for the respondent Bank.

2.The learned counsel for the respondent states that one Ramanujam had made some deposits with the respondent Bank and that the same is liable to be returned. But, the question is to whom it should be returned. The petitioner claims that she is the legally wedded wife of the said Ramanujam. But, One Lakshmi has also staked a claim that it is she who is the actual wife of Ramanujam. One Maharajan has also claimed that he is the sole surviving legal heir of Ramanujam being his only son. Now, the Bank is in a quandary as



to who should be paid. Since such a factual dispute as regards the legal heirship has been raised, in the very nature of things, the contesting parties will have to go before the jurisdictional Civil Court and file a petition for issuance of Succession Certificate. No relief can be granted in the writ proceedings.

3. Granting liberty to the petitioner to move the jurisdictional Civil Court, the Writ Petition stands dismissed. No cost. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

Rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

10.07.2020

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