

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 8.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.10792 of 2020

N.Kalaivani

Petitioner

vs.

The Secretary,
Urban Co-operative Bank,
Pallikonda,
Periya Bazar 635 809.
Anaikattu Taluk,
Vellore District.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to disburse the premium deposit amount of Rs.8,00,000/- to the petitioner's children (1)Maanithira aged about 12 years and (2)Muhunthan aged about 7 years based on the petitioner's representation dated 5.12.2019.

For Petitioner : Mr.J.Senthilkumar

For Respondent : Mr.L.P.Shanmugasundaram, Spl. G.P.

ORDER

The petitioner's husband had some fixed deposit with the respondent-bank and died in the year 2019. The petitioner's children were mentioned as nominees in the said fixed deposits and this petitioner is the legal guardian of the minor children. Though the petitioner has approached for return of the fixed deposit amount, the respondent-bank has not paid the same and therefore, filed this writ petition.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondent-bank would submit that the brothers of the deceased petitioner's husband has also made some claim with the bank and therefore, they have not disbursed the same so far and if the petitioner produces the original certificate of the fixed deposit, they can consider the same.

3. The learned counsel for the petitioner further submits that though the petitioner's children are mentioned as nominees for the said fixed deposit, the originals certificate of the fixed deposit is not available with her now but, however, she claims that her husband has mentioned the children of the petitioner's name as nominees for the fixed deposit.

3. In view of the said submissions, the respondent-Bank is directed to verify with the records available with the Bank as to whether the petitioner's children are mentioned as nominee for the fixed deposit and if it is so the respondent-bank shall verify the guardianship of the minor children and obtain an Affidavit of Undertaking from the petitioner and shall disburse the amount to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Secretary,
Urban Co-operative Bank,
Pallikonda,
Periya Bazar 635 809.
Anaikattu Taluk,
Vellore District.

+1cc to The Government Pleader, sr no.14884

PMK (CO)
RMP (29/03/2021)

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