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W.P. Nos.24061 to 24066 of 2018, 14304 and 14369 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

**W.P. Nos.14369 of 2020, 24061 to 24066 of 2018 and 14304 of 2020
and**

**W.M.P. Nos. 28044 to 28049 of 2018 and 14882, 14883, 15093, 15096,
15102, 15103, 17776 and 17838 of 2020**

W.P. No. 24061 of 2018:-

Dr.Vidyaa Hari Iyer

... Petitioner

Vs.

1. Axis Bank,
Represented by its Branch Manager,
Venkatnarayanan Road,
T.Nagar, Chennai-600 017.

2. S.Shruthi

3. R. Nithya

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt Nos.(i).913040043167787 dated 19.09.2013, (ii). 913040052627027 dated 25.11.2014 and (iii). 915040002080588 dated 13.01.2015 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in



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accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna
For Respondents : Mr. R.Venkatavarathan (for R1)
No appearance (for R2)
Mr. Karthikeyan Anbazhagan (For R3)

W.P. No. 24062 of 2018:-

Dr.Vidyaa Hari Iyer ... Petitioner
Vs.

1. Punjab National Bank,
Represented by its Branch Manager,
10, Raja Street,
T.Nagar, Chennai-600 017.

2. R.Nishant ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt Nos.034500P200000619 dated 02.04.2014 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna

For Respondents : Mr. R.Kumar (for R1)
Mr. M.L.Ganesh (For R2)

W.P.No.24063 of 2018:-

Dr. Vidyaa Hari Iyer ...Petitioner



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Vs.

1. City Union Bank,
Represented by its Branch Manager,
T.Nagar, Chennai – 600 017.

2. R.Nithya

3. S.Shruthi

...Repondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt Nos. i. 4970771, dated 19.06.2013, ii. 5241708, dated 13.09.2013, iii. 5448548, dated 25.11.2013 and iv. 500707010007450, dated 31.01.2014 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna

For Respondents : No appearance (for R1)
Mr. R.Kumar (for R2)
Mr. Karthikeyan Anbazhagan (for R3)

W.P.No.24064 of 2018:-

Dr. Vidyaa Hari Iyer

...Petitioner

Vs.

1. Indian Bank,
Represented by its Branch Manager,



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Corporate Office,
T.Nagar, Chennai – 600 014.

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2. R.Nishant

3. S.Shruthi

...Repondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt Nos.i.6302352594, dated 10.01.2015, ii. 6213084771, dated 11.04.2014 and iii. 983017459, dated 20.09.2011 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna

For Respondents : No appearance (for R1)
Mr. E.Jayasankar (for R2)
Mr. Karthikeyan Anbazhagan (for R3)

W.P.No.24065 of 2018:-

Dr. Vidyaa Hari Iyer

...Petitioner



W.P. Nos.24061 to 24066 of 2018, 14304 and 14369 of 2020

Vs.

1. Indian Overseas Bank,
The Branch Manager,
Injambakkam, Chennai – 600 115.

2. R.Nithya

...Repondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipts Nos.i.162504411200098, dated 24.08.2012 and ii. 162504411200080 dated 17.07.2012 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna

For Respondents : No appearance (for R1)
Mr. E.Jayasankar (for R2)
Mr. Karthikeyan Anbazhagan (for R3)

W.P.No.24066 of 2018:-

Dr. Vidyaa Hari Iyer

...Petitioner

Vs.

1. Tamil Nadu Power Finance and Infrastructure
Development Corporation Limited,
(A Government of Tamil Nadu Enterprise),
490/3-4, Anna Salai, Nandanam,
Chennai – 600 035.



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2. R.Nithya

...Repondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to disburse the amounts, lying in the Fixed Deposit Receipt No.RAA243470, dated 17.11.2013 to the petitioner, the sole surviving legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : M/s.R.Bhagawat Krishna

For Respondents : Mr.S.Vijayaraghavan (for R1)
Mr. Karthikeyan Anbazhagan (for R2)

W.P. No. 14304 of 2020 :-

Dr.Vidyaa Hari Iyer

... Petitioner

Vs.

1. Canara Bank
The Branch Manager,
Burkit Road, T.Nagar,
Chennai-600 115.

2. S.Soumya

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt No.2771303000269/1 dated 18.05.2015 to the petitioner, the sole surviving



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class – I legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : Mr. T.Mohan
For Mr. Vijayalakshmi K. Rajaratnam

For Respondents : Mrs. G.Lavanya (for R1)
Mr. Karthikeyan Anbazhagan (For R2)

W.P. No. 14369 of 2020:-

Dr.Vidyaa Hari Iyer

... Petitioner

Vs.

1. Indian Overseas Bank,
The Branch Manager,
Ingambakkam,
Chennai-600 115.

2. S.Soumya

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent bank to disburse the amounts, lying in the Fixed Deposit Receipt No.2012/NDRM 623044 dated 14.06.2014 to the petitioner, the sole surviving class – I legal heir of her deceased husband Mr.G.Hair, in accordance with the Hindu Succession Act.

For Petitioner : Mr. T.Mohan
For Mr. Vijayalakshmi K. Rajaratnam

For Respondents : Mr. F.B.Benjamin George (for R1)
Mr. Karthikeyan Anbazhagan (For R2)



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COMMON ORDER

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According to the petitioner, she married one G.Hari on 02.02.1994, in the presence of the elders and family members and out of the said wedlock, they have no issues. Her husband's mother died on 27.10.2013 and her husband G.Hari died on 18.09.2015 due to multi organ failure. The petitioner is the cancer survivor having been diagnosed with breast cancer and the doctors advised her to take regular and proper medication for the same. The petitioner further stated that she is a dentist and her husband was a Director of the company viz., M/s.Metallic Bellows India Pvt. Ltd which was started by his parents and his brother and sister as its other Directors. Her husband was earning about Rs.2,00,000/- per month, besides holding 2770 shares in the said company, investing the income earned in various fixed deposits and mentioning the respondents 2 and 3/second respondent as nominees to receive the realised sum, if anything happens to the petitioner and her husband. It is now the grievance of the petitioner that before admitting into the hospital, her husband handed over the original fixed deposit receipts of various banks to the tune of Rs.1,84,00,000/- to her for sustenance and future exigencies. Subsequent to the demise of her husband



on 18.09.2015, the petitioner's in-laws, with an intent to evict her from the matrimonial home, have made all attempts by holding back in issuing no objection for releasing the fixed deposit amounts, stopping the basic amenities provided to her clinic, etc. The communications sent by the petitioner to the banks, where her husband made fixed deposits, with regard to release of the fixed deposit amounts, did not yield any positive response. Therefore, she has come up with these writ petitions, seeking to issue a writ of mandamus directing the respondent(s) / banks to disburse the amounts lying in the fixed deposits to her, as the petitioner is the sole surviving legal heir of her deceased husband G.Hari, in accordance with the Hindu Succession Act.

2.When these matters were taken up for consideration, the learned counsel for the petitioner and the learned counsel for the private respondents in unison submitted that as directed by this court by order dated 01.02.2021 made in OSA.No.302 of 2020, all the parties have resolved all their differences among themselves and arrived at an amicable settlement on 01/10/2021 before the Mediator appointed by this court. They have also filed a memo of compromise signed by all the parties to that effect.



3.The learned counsel for the petitioner further submitted that the petitioner is entitled for interest to the deposited amounts and hence, the same will be taken into consideration, while recording the compromise memo filed by the parties.

4.In view of the subsequent development that had taken place, all these writ petitions stand disposed of, in terms of the memorandum of compromise dated 01.10.2021 entered into between the parties. All the parties shall act upon on the basis of the compromise memo and complete the terms of the same, within a period of six weeks from the date of receipt of a copy of this order. While doing so, the parties shall also take into consideration the interest on the deposited amounts payable to the petitioner. The memo of compromise dated 01.10.2021 filed by the parties shall form part of this order. No costs. Consequently, connected miscellaneous petitions are closed.

25.10.2021

Maya

Index : Yes/No
Internet : Yes/No



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To

1. The Branch Manager,
Indian Overseas Bank,
Ingambakkam,
Chennai-600 115.
2. Canara Bank
The Branch Manager,
Burkit Road, T.Nagar,
Chennai-600 115.
3. Axis Bank,
Represented by its Branch Manager,
Venkatnarayanan Road,
T.Nagar, Chennai-600 017.
4. Punjab National Bank,
Represented by its Branch Manager,
10, Raja Street,
T.Nagar, Chennai-600 017.
5. City Union Bank,
Represented by its Branch Manager,
T.Nagar, Chennai – 600 017.
6. Indian Bank,
Represented by its Branch Manager,
Corporate Office,
T.Nagar, Chennai – 600 014.
7. Indian Overseas Bank,
The Branch Manager,
Injambakkam, Chennai – 600 115.



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R.MAHADEVAN, J.

Maya

8. Tamil Nadu Power Finance and Infrastructure
Development Corporation Limited,
490/3-4, Anna Salai, Nandanam,
Chennai – 600 035.

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Dated : 25.10.2021