



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.24258 of 2021

And

W.M.P.No.25574 of 2021

1.Selvi
2.Chellam

...Petitioners

Vs.

The Branch Manager,
Bank of India,
Ramanathapuram Branch,
Trichy Road,
Dharmaraj Layout,
Ramanathapuram,
Coimbatore - 641 045.

...Respondent

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disbursed the amount lying savings bank account No.815010110002349, in the name of (Late) Shankar, S/o.Alagiya Manavalan to the petitioners based on the representation dated 01.10.2021, within a time stipulated by this Hon'ble Court.

For Petitioners : Mr.C.Prabakaran

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to disburse the amount lying in savings bank account No.815010110002349, in the name of (Late) Shankar, S/o.Alagiya Manavalan to the petitioners based on the representation dated 01.10.2021, within a time stipulated by this Court.

2.The case of the petitioners is that the first petitioner is the second wife of the deceased Shankar and the second petitioner is the mother of the deceased. The said Shankar was working as lorry driver in a private courier service and committed suicide by hanging on 30.05.2020 due to unbearable pain of in ailment. Thereafter the first petitioner approached the respondent bank to withdraw the money lying in the savings



bank account of her husband, however, the respondent sought for production of death and legal heirship certificate. The petitioners approached the competent Authorities and also obtained legal heir certificate and even thereafter, the respondent has not settled the amount in favour of the petitioners. Hence, the petitioners made representation to the respondent and since the same has not yet been considered, have filed this writ petition.

3.The learned counsel appearing for the petitioners would submit that till date the respondent has not rejected the request of the petitioners, however, has orally informed the petitioners that the deceased has nominated his first wife as his nominee and hence, the amount was not settled in favour of the petitioners. The learned counsel would further submit that the first wife of the deceased deserted the deceased long back and thereafter the deceased married the first petitioner with the blessings of the second petitioner and other family members.

4.The learned counsel appearing for the petitioners would further submit that without going into the merits of the case, it would suffice, if this Court issues a direction to the respondent to consider the petitioner's representation dated 01.10.2021 and to pass appropriate orders, within the reasonable time fixed by this Court.

5.Heard the submissions made by the learned counsel appearing for the petitioners. Since this Court is not inclined to pass any adverse order as against the respondent, notice to the respondent is dispensed with.

6.Considering the limited request made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioners representation dated 01.10.2021, on merits and in accordance with law and to pass appropriate orders after hearing the necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

7.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

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The Branch Manager,
Bank of India,
Ramanathapuram Branch,
Trichy Road,
Dharmaraj Layout,
Ramanathapuram,
Coimbatore - 641 045.

+1 CC to Mr.C.Prabakaran, Advocate sr 58576.

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CP(CO)
SP(24/11/2021)