



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10500 of 2021

J.Praveen

... Petitioner

Vs.

1.The Regional Manager,
Tamilnad Mercantile Bank Limited,
Regional Office,
Tuticorin.

2.The Branch Manager,
Tamilnad Mercantile Bank Limited,
Palani Andavarpuram Branch,
Sivakasi.

3.The Branch Manager,
Tamilnad Mercantile Bank Limited,
Vadhayar Street Branch,
Sivakasi.

4.Tamilselvi

5.Sangari

6.Umajeyanthi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to disburse the amounts due on the fixed deposit receipts standing in the name of the late P.Kamarajan to the petitioner as his nominee.

For Petitioner : Mr.G.Sridharan

For Respondents : Mr.N.Dilipkumar for R1 to R3

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the second and third respondents to disburse the amounts under the fixed deposit receipts standing in the name of Late P. Kamarajan to the petitioner in his capacity as the nominee.



2.The case of the petitioner is that his uncle Kamarajan had made three fixed deposits in the respondent bank. In all these deposits, the uncle of the petitioner namely Kamarajan had nominated the petitioner as his nominee. The further case of the petitioner is that the said Kamarajan passed away on 14.05.2021 due to Covid-19 complications. The petitioner, thereafter, approached the respondent bank seeking for disbursing the amount that is lying in the fixed deposits. Since there was objection made by respondents 4 to 6, the respondent bank did not hand over the money to the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.G.Sridharan, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned counsel appearing for the respondents 1 to 3.

4.In the considered view of this Court, the respondent bank has to necessarily hand over the money lying in the fixed deposits only in favour of the nominee. This position of law is now well settled. If any one else has any share on the property, the nominee is expected to hand over the share to the other sharers. If the nominee refuses to hand over the property, the other sharers who are entitled to the property, will have to work out their remedy only before a competent civil court. The respondent bank cannot decide the *inter-se* rights between the petitioner and respondents 4 to 6.

5.In view of the above, there shall be a direction to the respondent bank to hand over the amount lying in the fixed deposit in favour of the nominee appointed by the deceased Kamarajan after getting necessary indemnity bond. If the legal heirs claim a share in the property, they have to work out their remedy against the nominee, who refuses the money, only before a competent Civil Court.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.



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+1 CC to M/s.G.SRIDHARAN, Advocate (SR-20813[F] dated 01/07/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-20975[F] dated 02/07/2021)

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01.07.2021**

KB (12.07.2021) 3P 3C