



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11153 of 2021

Dr.V.Vijaya Dhas

...Petitioner

Vs.

The Branch Manager,
Indian Overseas Bank,
Swamiyarmadam,
Kattathurai Post,
Kanyakumari District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the amount available in the Saving Bank Account No.1452 as well as fixed deposit bearing Account No.421200007 along with interest which stood in the name of Late. Sankari Bai, by considering the petitioner's representation dated 17.06.2021 within a time frame that may be fixed by this Court.

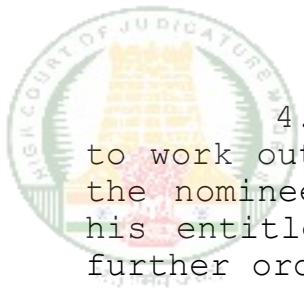
For Petitioner	: Mr.S.C.Herold Singh
For Respondent	: Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent Bank to release the amount that is available in the Savings Bank Account and the Fixed Deposit along with interest, which stood in the name of Late. Sankari Bai.

2. The learned counsel appearing for the respondent Bank submitted that the account holder had nominated one Mohan Dhas as the nominee and the Bank will have to hand over the money only to the nominee. The learned counsel further submitted that the petitioner, who is the brother of Mohan Dhas, is claiming right through a Will and the Bank cannot decide the *inter se* dispute between the petitioner and the said Mohan Dhas.

3. In the considered view of this Court, the Bank has to hand over the money only to the person, who has been nominated by the deceased account holder. The law on this issue is well settled. The nominee will receive the money and hold it in trust and he is expected to hand over the money to the person, who is legally entitled to receive the same. If he fails to do so, the person, who has a right to claim his property, can only approach a competent Civil Court and stake the claim.



4. In view of the above, it is left open to the petitioner to work out his remedy before the competent Civil Court, if incase, the nominee does not hand over the money to the petitioner as per his entitlement under the Will. Except giving this liberty, no further orders can be passed in this Writ Petition.

WEB COPY

5. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

TO

The Branch Manager,
Indian Overseas Bank,
Swamiyarmadam,
Kattathurai Post,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-22378[F] dated 13/07/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-22578[F] dated 14/07/2021)

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NA (CO)

TR(14.07.2021) 2P 4C