



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD)No.12283 of 2021

M.Papa

:Petitioner

.vs.

1.The General Manager,
State Bank of India,
LHO, SBI,
Nungambakkam, Chennai

2.The Regional Manager,
State Bank of India,Trichy.

3.The Branch Manager,
State Bank of India,
Woraiyur Branch,Trichy.

4.The Branch Manager,
State Bank of India,
Thillai Nagar Branch,
Trichy.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 3 and 4 to return the deposit amount of the Petitioner's deceased husband namely Late.Muthu, son of Ramesh in connection with Account No.10256946224 Woraiyur Branch and Account No.31253942205, Thillai Nagar Branch to the Petitioner and her daughters on their part based on the representation dated 19.11.2019.

For Petitioner :Mr.P.Manikandan
For Respondents :Mr.G.Radhakrishnan
Standing Counsel

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus, directing the respondent bank to return back the deposit amount of the late husband of the petitioner, which is available in the account maintained at the third and fourth respondents' branches belonging to the State Bank of India.

2.The case of the petitioner is that her husband Late Muthu was having a bank account before the third and fourth respondents and he died, on 22.07.2019, leaving behind the petitioner, her son and two daughters. According to the petitioner, her son had withdrawn money



from the account without the permission of the petitioner and her daughters. Accordingly, complaint was given and the same is pending before the banking Ombudsmen.

3.The petitioner made a representation to the third and fourth respondents requesting for withdrawal of the amount that remains in the bank account. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.The learned counsel appearing on behalf of the State Bank of India submitted that the petitioner has to give a representation along with a Death Certificate, Legal Heirship Certificate and a No Objection Certificate from the other legal heirs and immediately on receipt of the same, the amount will be handed over to the petitioner.

5.The learned counsel for the petitioner submitted that the Death Certificate and the Legal Heirship Certificate are readily available. However, the son who is not in good terms with the petitioner, is objecting to handing over of the money to the petitioner. The learned counsel further submitted that the son was allowed to withdraw the amount without the permission of the petitioner and her daughters and the same is now pending by way of a complaint. Therefore, the learned counsel submitted that atleast the share of the petitioner and her daughters can be released by the respondent bank for the present.

5.Taking into consideration the facts and circumstances of the case and the submissions made on either side, there shall be a direction to the petitioner to submit a fresh representation to the third and fourth respondents along with the Death Certificate, Legal Heirship Certificate and the No Objection Letter from her daughters. The third and fourth respondents immediately on receipt of the same shall permit the petitioner to withdraw 3/4th of the amount remaining in the account maintained in the third and fourth respondent branches. Insofar as the balance 1/4th amount is concerned, the same shall be disbursed subject to the final adjudication by the banking Ombudsmen before whom, the complaint is pending.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

- 1.The Branch Manager,
State Bank of India,
Woraiyur Branch,
Trichy.
- 2.The Branch Manager,
State Bank of India,
Thillai Nagar Branch,
Trichy.

W. P (MD) NO.12283 of 2021
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RK(3.08.2021) 3P 3C