



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5000 of 2014

Mrs.Shanmugam

... Petitioner

Vs.

The Branch Manager,
Central Bank of India,
Thallakulam Branch,
Madurai.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondent to permit the petitioner to operate the Saving Bank Account No.7137, along with the petitioner daughter-in-law in the place of Mr.Adaikalam.

For Petitioner : Mr.K.Kumaravel

For Respondent : No Appearance

O R D E R

The petitioner is the mother of one Adaikalam. Adaikalam disappeared. A First Information Report had been registered in that regard as 'man missing' on 26.09.2009 by the Omachikulam Police Station in Madurai. He was not traced. Therefore, H.C.P(MD) No.626 of 2009 had been filed by his wife / daughter in law of the petitioner herein. That was disposed of by a Division Bench on 23.10.2009, giving a direction to the respondent police to proceed with investigation and somehow find out the said missing person.

2.It is claimed by the learned counsel for the petitioner that even as on date her son Adaikalam could not be traced. The petitioner, when Adaikalam was alive, had a joint savings Bank account along with him with the respondent Bank. Since he was missing, the petitioner seeks permission by this writ petition to operate the account along with her daughter-in-law.



3. For that purpose, it is only necessary that the details of the daughter-in-law must be given to the bank official and thereafter, the Branch Manager may take an appropriate decision with respect to such application.

4.Liberty is given to the petitioner herein to inform the Branch Manager that her son Adaikalam is missing and that therefore, she wants to operate the joint account along with her daughter-in-law and necessary details regarding the missing of the son namely, Adaikalam may also be informed to the respondent and requisite details of the daughter-in-law may be furnished to the Branch / respondent.

5.Let the Branch Manager take a considered decision on such application. The writ Court cannot pass any orders either directing the petitioner to operate the account or directing the respondents to close the account. It is entirely with the discretion of the respondent Bank.

6.With the above observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Central Bank of India,
Thallakulam Branch,
Madurai.

+1 CC to M/s.K. KUMARAVEL, Advocate (SR-35258[F] dated 19/11/2021)

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