



A.No.510 of 2022

A.No.510 of 2022 in C.S.No.312 of 2021 and
O.A.No.644 of 2021

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P.VELMURUGAN, J.

This application has been filed for vacating the injunction order granted by this Court on 08.10.2021 in O.A.No.644 of 2021 in C.S.No.312 of 2021.

2. The learned Counsel for the applicant/1st defendant would submit that in the plaint, the plaintiff has mentioned only one Account number of the deceased G.Anji Naidu A/c No.000501000002446 and omitted the **A/c.No.000504000002552** and as such, the applicant/1st defendant has also mentioned only one Account number in A.No.510 of 2022. This Court has granted the injunction by its order dated 08.10.2021 in O.A.No.644 of 2021 in CS.No.312 of 2021 as prayed for in the application.

3. The learned counsel for the applicant would submit that the applicant is one of the legal heirs of the deceased G.Anji Naidu and the bank is liable to pay the funds/money to the applicant as the deceased had nominated him as a nominee to receive the money lying in the bank account of the deceased and that, it is for him to distribute it to other legal heirs. Further, already there is a partition suit pending between the legal heirs of



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the deceased G.Anji Naidu in O.S.No.381 of 2019 on the file of the District

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Sub-Judge, Poonamallee and the present suit is regarding receiving the

amount of the deceased lying in the 3rd respondent/3rd defendant bank.

There is no dispute regarding the legal heirs' rights and entitlement of the

parties. Since the applicant is one of the legal heirs of the deceased, he is

entitled for 1/3rd share in both the Accounts. Therefore, the 3rd

respondent/bank is liable to pay 1/3rd of the amount lying in both the

accounts of the deceased to the applicant.

4. In view of the above, the injunction granted by this Court on 08.10.2021 is hereby vacated and the bank 3rd respondent/3rd defendant is directed to pay 1/3rd of the amount lying in both the Accounts of the deceased G.Anji Naidu to the applicant and the remaining 2/3rd amount shall be deposited in an interest bearing fixed deposit to the credit of C.S.No.312 of 2021, till the disposal of this suit.

28.02.2022

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