



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.13712 & 13744 of 2022

K.Kannan ... Petitioner in WP(MD)No.13712 of 2022

K.Selvarajan ... Petitioner in WP(MD)No.13744 of 2022

v.

1.The Branch Manager,
Indian Overseas Bank,
K.Pudhur Branch,
No.115, Alagarkovil Road,
Madurai – 625 007.

2.The Branch Manager,
Indian Overseas Bank,
Ramalinga Nagar Branch,
28, Ans Ramasamy Road,
Saibaba Mission Road,
Ramalinga Nagar,
Coimbatore – 641 011.

3.K.Balakrishnan ... Respondents in both cases

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents not to transfer the share of this petitioner amounting to Rs.8.66 lakhs along with interest at the instance of one Mr.Balakrishnan.



in both cases : -

For Petitioner : Mr.R.Ravikumar
For Respondents : Mr.N.Dilipkumar for R1 and R2
Mr.K.Jeyamohan for R3

ORDER

Heard the learned counsel on either side.

2.The petitioners are the sons of one Kaliappan Chettiar. Kaliappan is no more. The third respondent is their brother. The prayer in the writ petition is that the bank which held the Fixed Deposits of late Kaliappan Chettiar should not disburse their respective shares.

3.It is stated that even before the writ petition is filed, the bank had already disbursed the sums in favour of the nominee of the petitioners' father. It is well settled that a nominee cannot appropriate the shares of the other legal heirs. He is in the position of a trustee. His primary function is to disburse the amounts received by him to the respective sharers. Therefore, the petitioners can either invoke the criminal law or move the jurisdictional civil court.



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4. With this observation, the writ petitions are disposed of. No

costs. Connected miscellaneous petitions are closed .

12.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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