



W.P(MD)No.15051 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15051 of 2022

S.Karthik Raja

... Petitioner

Vs.

1.The Branch Manager,
Indian Overseas Bank,
Musiri Branch,
Kaikatti,
Namakkal Trichy Road,
Trichy,
Tiruchirapalli 621 211.

2.S.Kalaimani

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to withdraw amount from the savings account of the deceased father Mr.Siddharthan having account in Indian Overseas Bank with Account No.005901000012933 either through myself, the legal heir or his nominee Kalaimani by considering the representation dated 19.11.2021.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.N.Dilipkumar,
Standing Counsel for R1
Mr.K.Chengiz Khan for R2



W.P(MD)No.15051 of 2022

ORDER

Heard the learned counsel on either side.

2.The case on hand pertains to disbursement of the funds lying in the account of one Siddharthan with the first respondent bank. Siddharthan had nominated the second respondent to receive the money in his account. He had described the second respondent as his daughter. The bank developed cold feet because Kalaimani is not the biological or adopted daughter of Siddharthan. That led to the filing of this writ petition.

3.Kalaimani is present in person before this Court. She is also represented by her counsel. She states that while she is not the biological daughter of Siddharthan, she was treated as such. In any event, she has no claim over his funds and she will receive the amount from the first respondent and distribute the same in equal shares among the legal heirs of the deceased Siddharthan. The petitioner also has no objection for the same. The first respondent is directed to disburse the amount lying in the petition mentioned account of Siddharthan to the nominee namely, S.Kalaimani within a period of one week from the date of receipt of a copy of this order. Kalaimani shall distribute the said amount in equal shares among the legal heirs of the deceased



W.P(MD)No.15051 of 2022

Siddharthan within a period of two weeks thereafter. The second respondent is advised to obtain proper acknowledgement from the legal heirs of the deceased Siddharthan.

4.The writ petition is allowed on these terms. No costs.

14.07.2022

Index : Yes / No

Internet : Yes/ No

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issue order copy on 18.07.2022



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W.P(MD)No.15051 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.15051 of 2022

14.07.2022