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W.P.(MD)NO.19273 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.19273 & 19274 of 2021

Maria Pushpam Thilagavathi ... Petitioner
in W.P.(MD)No.19273 of 2021

Irudayamary Vasanthi ... Petitioner
in W.P.(MD)No.19274 of 2021

Vs.

1. The Managing Director,
Tiruchirappalli City Co-operative Bank Ltd.,
Trichy – 620 017.

2. The Branch Manager,
Tiruchirappalli City Co-Operative Bank Ltd.,
Melakalkandarkottai Branch, Trichy.

3. K.Arockiyasamy Santhakumar
(R-3 is suo motu impleaded
vide Order dated 04.08.2022)

... Respondents
both petitions

Prayer in W.P.(MD)No.19273 of 2021 : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to disburse all the 9 term deposit totally to the tune of Rs. 4,60,115/- with accrued interest to the petitioner whose name was nominated as a nominee by her deceased father who died on 30.08.2020 and consider her representation dated 13.03.2021 within a time frame that may be fixed by this Court.



Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to disburse all the 9 term deposit totally to the tune of Rs.4,83,542/- with accrued interest to the petitioner whose name was nominated as a nominee by her deceased father who died on 30.08.2020 and consider her representation dated 13.03.2021 within a time frame that may be fixed by this Court.

(in both W.Ps.)

For Petitioner : Mr.K.Arunraj

For R-1 : Mr.P.Subbaraj

For R-3 : Mr.P.Gunasekaran

For R-2 : No appearance.

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. The writ petitioners and the impleaded respondent K.Arockiyasamy Santhakumar are siblings. After creating the petition mentioned fixed deposit in the second respondent co-operative bank, their father Kruziah passed away on 30.08.2020. Since there was no consensus among the



children, the second respondent did not disburse the amounts also. That led to the filing of these writ petitions.

3. The matter was adjourned to expedite the parties to arrive at a compromise. I am happy to record that the siblings have arrived at a compromise. The Joint Compromise Memo dated 01.09.2022 reads as follows:-

“ 1. The petitioners and the third respondent being siblings, they agree that the entire deposit amounts can be distributed by equal sharing among the 3 siblings.

2. To this effect, the actual amounts in deposit along with accrued interest in the above may be distributed.

It is prayed that this Hon'ble Court may be pleased to record the above facts and pass suitable directions to respondents 1 and 2 to disburse the 1/3rd share of the petitioners and the third respondent in the actual amounts in deposit with accrued interest to them and thus render justice.

Dated at Madurai on this 1st day of September 2022.”



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4. The second respondent is therefore directed to quantify the amount payable to the parties and divide the same into three shares and disburse the same in accordance with the compromise arrived at before this Court. The disbursement shall be done within a period of four weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs.

01.09.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The Managing Director,
Tiruchirappalli City Co-operative Bank Ltd.,
Trichy – 620 017.
2. The Branch Manager,
Tiruchirappalli City Co-Operative Bank Ltd.,
Melakalkandarkottai Branch, Trichy.



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G.R.SWAMINATHAN,J.

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01.09.2022