



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.21605 of 2021
and
W.M.P. (MD) No.18161 of 2021

G.Tamil Selvi

... Petitioner

Vs.

1.The Registrar,
The Tamil Nadu State Apex,
Co-operative Bank, Head Office,
233, N.S.C. Bose Road,
Chennai - 600001.

2.The Managing Director,
Head Office, Kanjaraegal,
Tirupathur Road,
Sivagangai 630561,
Sivagangai District Co-operative Bank LTD, R.S.836.

3.The Branch Manager,
Manamadurai Branch,
Sivagangai District Co-operative Bank LTD, R.S.836,
Sivagangai - 630 561.

4.T.Manimaegalai

... 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 of co-operative banks 1 to 3 to settle fixed deposit amount to the petitioner with interest on petitioner's deposit till reception by considering the petitioner's representation dated 10.11.2021.

For Petitioner : Ms.Chitradevi
For Respondents : Mr.P.Thilak Kumar,
Government Pleader for R1 to R3.
Mr.V.Thiyagarajan for R4

ORDER

Heard the learned counsel on either side.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The petitioner's husband/Rajadurai passed away on 18.10.2012. He had deposited a sum of Rs.8,00,000/- in the third respondent bank. When the petitioner requested the third respondent to disburse the said amount along with interest, the third respondent took the stand that since the fourth respondent has been shown as nominee, the third respondent is unable to comply with the petitioner's request. It is true that the petitioner is the legally wedded wife of the deceased Rajadurai. In the legal heir certificate also, the name of the petitioner alone is shown as the wife along with children. At the same time, the dilemma of the third respondent has to be appreciated. The third respondent can only disburse the amount to the nominee. It is well settled that a person shown as nominee is in the position of trustee. Merely because the fourth respondent is shown as the nominee, that does not mean that she can appropriate the amount. At best, she can receive the amount in question from the third respondent and thereafter, distribute the same among the legal heirs.

3.The fourth respondent admittedly is only the second wife. Therefore, she cannot claim to be the legal heir of the deceased Rajadurai. Considering the special facts and circumstances of the case, even though the fourth respondent is shown as the nominee, the third respondent is directed to issue the cheque in favour of the writ petitioner. The writ petitioner is obliged to produce the consent letter from the parents of the deceased.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ias

To:-

1.The Registrar,
The Tamil Nadu State Apex,
Co-operative Bank, Head Office,
233, N.S.C. Bose Road,
Chennai - 600001.

2.The Managing Director,
Head Office, Kanjaraegal,
Tirupathur Road,
Sivagangai 630561,

<https://hcservices.sivagangai.nic.in/hcservices> District Co-operative Bank LTD, R.S.836.



3.The Branch Manager,
Manamadurai Branch,
Sivagangai District Co-operative Bank LTD, R.S.836,
Sivagangai - 630 561.

+1 CC to M/s.G.CHITHRA DEVI, Advocate (SR-28320[F]
dated 27/06/2022)

+1 CC to M/s.SPL.GP (SR-28467[F] dated 28/06/2022)

W.P (MD) No.21605 of 2021
27.06.2022

KMV (CO)

GC (05.07.2022) 3P 6C