



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.4830 of 2020

R.Susila

... petitioner

-Vs-

1. The Branch Manager,
State Bank of India,
Walajahpet Branch,
Vellore Distirct.

2. Manimegalai

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the first respondent to disburse the amount lying with them in Savings Bank Account No.1091757197 in the name of Ragothaman by incorporating petitioner's name as his legal heir/wife based on the representation of the petitioner dated 07.02.2020 and 13.02.2020 forthwith.

For petitioner : Mr. C.Prabakaran

For Respondent : Mr.Anishkumar

For M/s.CKM. Appaji

R2

R2 – No appearance

ORDER



The writ petition has been filed seeking a direction to the first respondent to disburse the amount lying with them in Savings Bank Account No.1091757197 in the name of Ragothaman by incorporating petitioner's name as his legal heir/wife based on the representation of the petitioner dated 07.02.2020 and 13.02.2020.

2. It is the case of the petitioner that the marriage between the petitioner and one Ragothaman took place on 19.06.1972. The petitioner's husband was working as Havildhar in Indian Army and after 24 years of service, he was retired from service and drawing pension benefits. The bank account is been maintained with the first respondent. Due to health issue, the petitioner's husband died on 10.08.2018 and the death certificate was obtained to that effect. On 10.06.2019, the second respondent has filed the suit in O.S.No.59 of 2019 before the District Munsif Court, Walajahpet seeking for relief of declaration to declare her that she is the legally married wife of the said Ragothaman and also to issue the legal heir certificate claiming that she is the second wife of Ragothaman and married during the year 1993 itself and the same is pending for disposal. The competent authority have issued legal heir certificate of Ragothaman on 11.06.2019 stating that the petitioner and her four sons are the legal heirs. At this juncture, the



petitioner approached the first respondent requesting to disburse the money lying in the account of her husband, but the same was refused by the first respondent stating that the second respondent has made objections to disburse the money to the petitioner. In this regard, the petitioner made a representation to the first respondent on 07.02.2020 and 13.02.2020 and the same is not considered so far. Hence, the present writ petition has filed.

3. The learned counsel for the petitioner submitted that this Court may issued a direction to the first respondent to conduct enquiry and pass appropriate orders for the representation made by the petitioner within the stipulated time as fixed by this Court.

4. The learned counsel for the second respondent submitted that this Court direct the first respondent to provide opportunity to the second respondent before passing orders.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. In view of the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to conduct enquiry and pass appropriate orders after providing opportunity to the petitioner as well as the second respondent and disburse the benefit to the eligible person based on the legal heir certificate, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observation, this writ petition is disposed of. No costs.

07.06.2023

rli

To

The Branch Manager,
State Bank of India,
Walajahpet Branch,
Vellore Distirct.

M.DHANDAPANI, J.



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