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W.P.Nos.24659 and 24660 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.24659 and 24660 of 2018

W.P.No.24659 of 2018:-

S.Venkatakrishna Rao

... Petitioner

Vs.

Canara Bank,
MID Corporate Branch,
770A, Spencer Tower II,
Anna Salai,
Chennai 600 002.

... Respondent

W.P.No.24660 of 2018:-

S.Venkatakrishna Rao

... Petitioner

Vs.

UCO Bank,
represented by its Manager,
International Banking Branch,
Thambu Chetty Street,
Chennai-600 001.

... Respondent

Prayer in W.P.No.24659 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the respondent in its reply notice dated 25.10.2018 and holding of the amount of USD 12240/- lying to the credit of FCNR deposit 1826501000029/1 in the name of Late Palimar Ranga Krishna Rao as arbitrary, illegal and opposed to the principles of law and justice and quash



W.P.Nos.24659 and 24660 of 2018

the same; and to direct the Respondent herein to repay/refund the amount to the petitioner herein within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.24660 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus against the respondent herein to repay/refund the amount of USD 14,350.89/- lying to the credit of FCNR deposit nos:18100310045275 and 18100310045282 in the name of Late Palimar Ranga Krishna Rao to the petitioner herein within a time frame fixed by his Hon'ble Court.

In both W.Ps

For Petitioner : M/s B.Raghavulu Naidu

For Respondent : Mr.M.A.Abdul Wahab
for M/s K.V.Subramanian Associates

COMMON ORDER

Since the issue involved in the present writ petitions are one and the same, they are disposed of by way of this common order.

2. It is the case of the petitioner that he is the nephew of late Palimar Ranga Krishna Rao. He claims to be the sole beneficiary under the last Will and Testament dated 06.11.2006 of late Palimar Ranga Krishna Rao. The said late Palimar Ranga Krishna Rao executed a will appointing the National Westminster Bank PLC as executor and trustee and bequeathed all his estates both movable and immovable with the petitioner. After the demise of said late Palimar Ranga Krishna Rao, the Will was probated before the Court at London. Based on the probate, the petitioner seeks refund of amount



W.P.Nos.24659 and 24660 of 2018

deposited by the late Palimar Ranga Krishna Rao, under FCNR deposit

Nos.1826501000029/1, Canara Bank, 18100310045275 and

18100310045282, UCO Bank. However, the respondent in W.P.No.24659 of 2018, sent a reply vide letter dated 25.01.2018 stating that the Will is probated in foreign Court i.e, the Court of Bristol and directed the petitioner to produce succession certificate / probate / letter of administration obtained from a competent Court in India. Aggrieved by the said letter the petitioner is before this Court. The petitioner has also filed W.P.No.24660 of 2018 seeking a direction to the UCO Bank to refund a sum of USD 14,350.89/- under FCNR deposit Nos.18100310045275 and 18100310045282.

3. Learned counsel for the petitioner submits that it is an admitted position that the petitioner is the beneficiary under the Will and is entitled to the said amount. However, without considering the same, the respondent Bank in W.P.No.24659 of 2018 has passed the impugned order mechanically without taking into consideration the contents in the Will.

4. Learned counsel for the respondent in respective writ petitions submitted that since the probate is obtained from foreign Court and Will is silent over the bank assets / accounts, the respondent Banks cannot refund



W.P.Nos.24659 and 24660 of 2018

the amount to the petitioner. If the petitioner produce any legal heir certificate or succession certificate obtained from a competent Court in India, the respondent Banks are in a position to refund the amount to the petitioner.

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

6. Admittedly, the Will has been probated in the foreign Court i.e., Court of Bristol. Since the probate and Will are silent over the Banks assets / accounts, the respondent Banks are not in a position to settle the claim to the petitioner. Hence, in order to resolve this issue, the petitioner is directed to produce the attested copy of the Will and probate before the respondents i.e., Canara Bank and UCO Bank. Upon receipt of the same, both the Banks are directed to call for objections from the public giving sufficient time for the same. Upon receipt of the objections if any, the respondent Banks are at liberty to act accordingly. Likewise, if there is no objection received from the public, the amount lying to the credit of FCNR deposit Nos.1826501000029/1, Canara Bank, 18100310045275 and 18100310045282, UCO Bank be refunded to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.Nos.24659 and 24660 of 2018

WEB COPY

7. Accordingly, this writ petition is disposed of. No costs.

09.03.2023

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Index : Yes / No

Speaking order : Yes / No

To

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2. The Manager,
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W.P.Nos.24659 and 24660 of 2018

M.DHANDAPANI, J.

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W.P. Nos.24659 and 24660 of 2018

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