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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2023

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.32886 of 2022

S.Maria Louis

... Petitioner

..Vs..

1. The Union of India
Rep. by the Secretary to Government
Ministry of Finance, Banking Division
Department of Financial Services
Parliament Street,
New Delhi – 110 001.
2. The Regional Manager
Indian Overseas Bank
No.763, Regional Office-II,
Central Complex, III Floor,
Anna Building, Anna Salai,
Chennai – 600 002.
3. The Branch Manager
Indian Overseas Bank
Vyasarpadi Industrial Estate
Chennai – 600 039.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 2nd and 3rd respondents to



consider the petitioner representation and release the petitioner's deceased wife's Bank savings account.

For Petitioner

:: M/s. S.Naveenha Devi

For RR 2 & 3

:: Mr. K.K.Muralidharan

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the second and third respondents, particularly, the third respondent, namely the Regional Manager, Indian Overseas Bank, Regional Office -II, Anna Building, Anna Salai, Chennai, to consider the representation given by the petitioner and to release the amount lying in the Savings Account of the wife of the petitioner, who has since died.

2. The petitioner is a Senior Citizen. His wife Gunagunda Mary was diagnosed with serious health ailments and unfortunately died on 01.05.2021. She had amounts lying the Bank Account No. 039401000023670 which she had opened with the third respondent. Unfortunately though the petitioner is rightful legal heir of his wife, she had



nominated her sister in the Bank Account opening forms.

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3. The third respondent today is in a piquant situation. They have a nominee. They have a legal heir. Their commitment is primarily with the nominee and they can shift their burden on the nominee to receive the amount and disburse the same among the legal heirs, but the nominee has not come forward.

4. The learned counsel for the petitioner states that the petitioner does not know the address and other details of the said nominee / sister of his own wife.

5. At any rate, this Court cannot give a direction to the third respondent to release the amount without knowledge about the legal heirs. A more appropriate approach would be to get a Succession Certificate in manner known to law from the competent Court.

6. I am confident that if that step is taken, the third respondent would honor the order of the Court recognising the petitioner or anybody else as successor to receive the amounts lying in the aforementioned Bank



Account.

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7. Recording as above, the Writ Petition stands disposed of. No order as to costs.

07.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

vsg

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