



W.P.(MD).No.2751 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.2751 of 2021

V.Gomathi

... Petitioner

Vs.

The Branch Manager,
State Bank of India,
Arasaradi Branch,
Jawahar Main Road,
Madurai – 625 016.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to release deposited amounts of petitioner's late husband S.Venkatachalapathy, lying with the respondent Bank in the Saving Bank account in S.B.No.30229292161 as well as in the Fixed Deposit in FD No.31578844708 dated 30.10.2018.

For Petitioner : Mr.N.Sundaresan

For Respondent : Mr.V.P.Rajan



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ORDER

This Writ Petition is filed for Mandamus, directing the respondents to release the deposited amounts of petitioner's late husband S.Venkatachalapathy, lying with the respondent Bank in the Saving Bank account in S.B.No.30229292161 as well as in the Fixed Deposit in FD No.31578844708 dated 30.10.2018.

2. The petitioner's husband died in the year 2020. The petitioner is a senior citizen. The petitioner's late husband deposited with the respondent Bank all his earnings including the pension, which he received till his death, in the Saving Bank Account and Fixed Deposits. The petitioner and her only son are the legal heirs of her late husband.

3. The further contention of the petitioner is that her only son went to USA for employment, but subsequently not traceable. This happened during the life time of her husband. The petitioner and her husband have not received any communication from their son from the year 2017. When they attempt to contact him, they could not trace the whereabouts of their son. Hence, the



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petitioner along with her late husband preferred a complaint in USA on 08.02.2018 as per the Guidance of the Indian Consulate at San Francisco Consulate. In spite of earnest effort, the petitioner could not trace the whereabouts of her son.

4. The objection of the respondent is that the petitioner's son should give no objection certificate, then only the amount would be released. According to the petitioner, the petitioner's son is not traceable even after earnest effort.

5. Therefore, this Court is of the considered opinion that the petitioner being a widow and senior citizen, is entitled to the amount which is lying with the respondent Bank. The petitioner shall execute an indemnity bond within a period of one (1) week from the date of receipt of a copy of this order and the respondent shall disburse the pension and other amount that is deposited in the savings Bank account and Fixed Deposit account, which is lying in the respondent Bank within a period of two (2) weeks therefrom.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

21.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

Note: Issue Order Copy on 24.07.2023.

To

The Branch Manager,
State Bank of India,
Arasaradi Branch,
Jawahar Main Road,
Madurai – 625 016.



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S.SRIMATHY, J.

Nsr

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