



W.P(MD)No.2862 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2862 of 2023

M.Sherli

... Petitioner

Vs.

1.The Branch Manager,
Canara Bank,
Thirukkurungudi Branch,
Nanguneri Taluk,
Tirunelveli.

2.M.Abilash

3.M.Ragavendhar & Raghu

... 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 first respondent to disburse 1/3 of a share available in the Account No.1276101009370 based on the representation dated 30.12.2022 within a time frame stipulated by this Court.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.C.Karthik
Standing Counsel for R1
: Mr.B.Jeyakumar for R2
: Mr.N.Jeyaram Sidharth for R3



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ORDER

Heard the learned counsel on either side.

2. One Madhusoodhanan had an account in the first respondent branch. He passed away. The petitioner is his wife. The second respondent is her son. The petitioner would impeach the actual status of the third respondent. But then, the jurisdictional Civil Court had already declared vide Judgment and decree dated 28.09.2021 in O.S.No.41 of 2019 on the file of the District Munsif Court, Nanguneri that all the three are the legal heirs of the deceased Madhusoodhanan.

3. Therefore, all of them are entitled to 1/3rd share in whatever is left to the credit of Madhusoodhanan in the first respondent branch. The first respondent appears to be insisting that all the three respondents should jointly approach the first respondent for disbursal. Considering the strained relationship among the parties, that may not be feasible. The first respondent can individually disburse 1/3rd share of the estate left behind by the deceased Madhusoodhanan which is lying with the first respondent to the petitioner, second respondent and the third respondent. The parties will comply with all the usual formalities that may be stipulated by the first respondent.



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4. The Writ Petition is allowed on these terms. No costs.

03.03.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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