



W.P.(MD)No.4071 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4071 of 2021

Chandra Kantha

... Petitioner

Vs.

1.The Branch Manager
Central Bank of India,
Yadava College Branch,
Madurai.

2.Ashok Dhayananthan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to close the fixed deposits made by the petitioner in A/c Nos. 3551431722, 3551432352, 3556094927, 3556099266, 3556148024, 3556148614, 3556153690, 3556428227, 3556428329 and repay the amount of Rs.99,00,000/- with interest to the petitioner based upon the representation made by the petitioner dated 12.12.2020

For Petitioner : Mr.K.K.Kannan

For R-1 : Mr.N.Dilip Kumar



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For R-2

: Mr.M.Thirunavukkarasu

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to close the Fixed Deposits made by the petitioner and to repay back the amount of Rs.99,00,000/- (Rupees Ninety Nine Thousand only) with interest to the petitioner based on the representation of the petitioner dated 12.12.2020.

2. The learned counsel appearing for the petitioner submitted that he has already handed over the bundle to the petitioner and given change of vakalat.

3. The learned counsel appearing for the second respondent submitted that the second respondent is none other than the son of the petitioner and that there is already a civil suit pending between the parties before the competent Court. According to the second respondent, he is entitled to a share in the Fixed Deposit that remains with the first respondent Bank.



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4. The learned counsel appearing for the first respondent Bank submitted that there is a dispute between the parties and therefore, the Bank was holding the Fixed Deposit amount with accrued interest. The learned counsel submitted that whatever directions are issued by this Court will be complied with by the first respondent Bank.

5. In the considered view of this Court, in the absence of any restraint order passed by a competent Civil Court, the first respondent has to hand over the Fixed Deposit amount along with accrued interest either to a person in whose name the Fixed Deposit stands or to the nominee if the concerned person had died. If the second respondent has any share over this money, he is entitled to demand for such a share from the petitioner. Insofar as the *inter se* rights between the petitioner and the second respondent, it will only be decided by the competent Civil Court. This clarity will sufficiently take care of the interest of the petitioner and the second respondent.



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6. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
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N.ANAND VENKATESH, J.

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