



WP(MD)No.17045 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17045 of 2020

and

W.M.P.(MD)No.14248 of 2020

1.A.Gnana Sagaya Mary

2.A.Monika

...Petitioners

/Vs./

1.The Manapparai Municipal Cooperative Society Bank,
Rep. By its Manager,
No.18, Agraharam, Manapparai,
Trichirappalli District.

2.Mariya Arockiyam

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the 1st respondent to consider the representation of the 1st petitioner dated 03.10.2020 and to pass necessary orders thereby enabling the petitioners to withdraw the amounts deposited and available in the accounts held by Late.Arputhasamy with the 1st Respondent.

For Petitioners : Mr.K.S.Kathiravan

For Respondents : Mr.P.Parthibai (R1)

Mr.P.Ganapathisubramanian (R2)



WEB COPY



WP(MD)No.17045 of 2020

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the first respondent to consider the representation made by the first petitioner on 03.10.2020 and to permit the petitioners to withdraw the amount that has been deposited by the deceased late Arputhasamy before the first respondent cooperative Bank.

2. The learned counsel appearing on behalf of the first respondent submitted that the amount is available with the bank and that the first respondent bank will abide by any directions issued by this Court.

3. The learned counsel appearing for the second respondent submitted that the second respondent is the sister of late Arputhasamy and her name has been given as nominee before the bank. The learned counsel further submitted that some civil proceedings have been initiated between the parties and the same is pending.

4. In the considered view of this Court, the nominee, who has been appointed by the account holder will be entitled to receive the amount from the



WP(MD)No.17045 of 2020

bank. However, the nominee will hold the amount in trust and whoever has right over the amount will be entitled for the share in the same.

5. The law is now too well settled. In view of the same, the first respondent shall ascertain as to whether there are any civil proceedings between the parties and if any order has been passed by the civil Court restraining the withdrawal of the amount. In the absence of the same, the amount can be handed over to the second respondent and the second respondent will hold that the amount in trust and ultimately, on ascertainment of the rights in the civil proceedings, the amount will be disbursed to the parties, who are entitled to receive the same.

6. This writ petition is disposed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

06.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
sm



WEB COPY



WP(MD)No.17045 of 2020

N.ANAND VENKATESH, J.

sm

TO:-

- 1.The Manapparai Municipal Cooperative Society Bank,
Rep. By its Manager,
No.18, Agraharam, Manapparai,
Trichirappalli District.

Order made in
W.P.(MD)No.17045 of 2020

Dated:
06.10.2023