



W.P.(MD)No.18437 of 2021

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.11.2023**

**C O R A M**

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

**W.P.(MD)No.18437 of 2021**

Pitchammal

... Petitioner

-VS-

1.No.1762-Pudupatti Primary Agricultural  
Co-Operative Bank Ltd.,  
Thorough its President,  
Maruthamputhur,  
Alangulam Taluk, Tenkasi District.

2.The Joint Registrar of Co-operatives,  
Cheranmadevi, Tirunelveli District.

3.Muppidathi

4. Ramalakshmi

5.Gokulakannan

6.Sankarakumar

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to disburse a sum of Rs.15,00,000/- lying in the fixed deposits made by Late.Nainar



W.P.(MD)No.18437 of 2021

Karaiyalar under FD Receipt Nos.250, 251, 252, 274, 275 and 276 with interest at 12 % p.a.

For Petitioner : Mr.R.Sundar Srinivasan  
For R1 : Mr.S.Kumar  
For R2 : Ms.D.Farjana Ghoushia  
Special Government Pleader  
For R3 to R6 : No Appearance

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to disburse the fixed deposit amount that is lying in the Bank, by considering the representation made by the petitioner along with her sisters, dated 08.03.2018.

2. Heard the learned counsel appearing for the parties.

3. The father of the petitioner namely, Nainar Karaiyalar had deposited a total sum of Rs.24,00,000/- with the first respondent Bank under 9 fixed deposits and the particulars are tabulated hereunder:-



W.P.(MD)No.18437 of 2021

WEB COPY

| Sl.No. | FDR Number | Amount<br>(In Rupees) | Deposit Date | Maturity<br>Date |
|--------|------------|-----------------------|--------------|------------------|
| 1      | 250        | 3,00,000/-            | 27/09/2014   | 25/09/2015       |
| 2      | 251        | 3,00,000/-            | 27/09/2014   | 25/09/2015       |
| 3      | 252        | 3,00,000/-            | 27/09/2014   | 25/09/2015       |
| 4      | 274        | 2,00,000/-            | 24/12/2014   | 25/12/2016       |
| 5      | 275        | 2,00,000/-            | 24/12/2014   | 25/12/2016       |
| 6      | 276        | 2,00,000/-            | 24/12/2014   | 25/12/2016       |
| 7      | 283        | 3,00,000/-            | 05/02/2015   | 12/02/2017       |
| 8      | 284        | 3,00,000/-            | 05/02/2015   | 12/02/2017       |
| 9      | 285        | 3,00,000/-            | 05/02/2015   | 12/02/2017       |

4. The father of the petitioner died on 17.04.2015. Subsequent to the same, all the 9 fixed deposits matured. Out of the 9 fixed deposits, 3 fixed deposits [Serial Nos.7 to 9 in the above Tabulation] were refunded. The dispute is now confined only to 6 fixed deposits.

5. It is the case of the petitioner that the petitioner and the respondents 3 and 4 have been shown as nominees in these fixed deposits. However, the sixth respondent, who has nothing to do with the family, is in possession of



W.P.(MD)No.18437 of 2021

the original fixed deposit receipts pertaining to the 6 fixed deposits. In view of the same, the first respondent was not inclined to pay the amount, due to the rival claim made by the sixth respondent. It is under these circumstances, the present Writ Petition was filed before this Court.

6. The first respondent has filed a counter affidavit. There is no serious dispute on facts. The only objection that has been raised by the first respondent is that the claim made by the petitioner can be considered only on production of original receipts pertaining to the 6 fixed deposits. In the meantime, the sixth respondent through letter dated 22.11.2017, informed that the father of the petitioner had borrowed loan from him and had handed over these original receipts to him as a security for the loan. Therefore, he made objections stating that the fixed deposit amount should not be refunded to the legal heirs of late Nainar Karaiyalar. In view of the same, the first respondent has taken a stand that the request made by the petitioner cannot be considered.

7. It is apparent from the counter affidavit filed by the first respondent that the petitioner and the respondents 3 and 4 have been shown as nominees.



W.P.(MD)No.18437 of 2021

Therefore, the fixed deposit amount can be handed over to the nominees. If at all, the sixth respondent has any claim, he can individually initiate proceedings for recovery of the money. The sixth respondent cannot make an objection to the first respondent Bank and thereby, prevent the first respondent Bank from refunding the fixed deposit amount. In other words, the sixth respondent cannot be allowed to use the first respondent Bank as a Garnishee, even without initiating any proceedings before the competent Civil Court for recovery of money.

8. In the light of the above discussion, there shall be a direction to the petitioner and the respondents 3 and 4 to submit an Indemnity Bond before the first respondent by specifically undertaking that the first respondent Bank will not be made liable for any claim that is made by the sixth respondent against the legal heirs of late Nainar Karaiyalar. On receipt of the Indemnity Bond from the petitioner and the respondents 3 and 4, the first respondent Bank shall refund the fixed deposit amount to them. With that, the liability of the first respondent will end and thereafter, it is for the sixth respondent to proceed against the legal heirs of late Nainar Karaiyalar, for recovery of money, if any amount is due and payable. This process shall be completed by

5/7



W.P.(MD)No.18437 of 2021

the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of with the above directions. No costs.

NCC : Yes/No  
Index : Yes/No  
smn2

**09.11.2023**  
(2/2)

To

1.The President,  
No.1762-Pudupatti Primary Agricultural  
Co-Operative Bank Ltd.,  
Maruthamputhur,  
Alangulam Taluk, Tenkasi District.

2.The Joint Registrar of Co-operatives,  
Cheranmadevi, Tirunelveli District.



WEB COPY



**W.P.(MD)No.18437 of 2021**

**N.ANAND VENKATESH, J.**

smn2

**W.P.(MD)No.18437 of 2021**

**09.11.2023**  
(2/2)