



WP(MD)No.21086 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.21086 of 2022

U.Selvamani

...Petitioner

Vs.

1.The Manager,
2215/1548, Urban Cooperative Bank
Limited,
68, Salaitheru, Ramanathapuram – 623 501.

2.The Deputy Superintendent of Police,
Ramanathapuram.

3.Balamurali

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to disburse the amount vested with the B and C category bank accounts to me and my son, in the light of the order passed by this Court in Cont P(MD)No.233/2021 dated 16.08.2022 without the production of the original bonds pertaining to the aforementioned bank accounts, which are purposefully detained by the third respondent with malafide intention.



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For Petitioner : Mr.R.Murugapoopathy
For Respondents : Mr.M.Prakash,
Additional Government Pleader
for R1

Mr.A.Albert James,
Government Advocate (crl.side)
for R2

Mr.S.Satheesh Kumar for R3

COMMON ORDER

Heard both sides.

2.The issue raised in this writ petition has already been dealt with vide order dated 16.08.2022 in Cont P(MD)No.223 of 2021. Paragraph Nos.2 and 3 of the said order read as follows :

"2.Mr.Ulaganathan, the husband of the petitioner herein had made deposits and was holding accounts in the respondent bank. The accounts held by him can be put into the following categories :-

("(1) Accounts in which his nephew/D.S.Bala Murali was shown under the either or survivor category.

(2)Accounts in which D.S.Bala Murali was shown as nominee.

(3)Accounts/deposits which were only in the name of Ulaganathan and no nomination was made."



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3.The learned Government Advocate for the respondents on instructions states that he has no objection for disbursing the amounts in which Bala Murali was shown under either or survivor category. It is well settled that a nominee cannot appropriate the amounts. There is no dispute that the petitioner and Uthandaraman are the legal heirs of late Ulaganathan. The bank is directed to disburse the amounts falling under category b and c to the petitioner/Selvamani and son Uthandaraman in equal shares. This order is passed with the consent of Mr.D.S.Bala Murali."

3.The first respondent is directed to disburse the amounts as per the order passed in the above said contempt petition. If the claimants, namely, the petitioner and her son and the third respondent Bala Murali are unable to produce the original bonds, they shall execute an indemnity bond before the first respondent. The petitioner and her son shall appear before the first respondent on 02.01.2024 at 11.00 A.M. The third respondent shall appear before the first respondent on 03.01.2024 at 11.00 A.M. The disbursement shall be done and the amounts shall be credited to their respective accounts within a period of ten days thereafter.



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4.It is seen that the deceased Ulaganathan was in the care and custody of Bala Murali/the third respondent herein since 1998. He had suffered cardiac arrest and he has been given treatment in a multi speciality hospital at Madurai. A substantial amount has been spent towards his medical expenditure by the third respondent Bala Murali. It is seen that a sum of Rs.9,39,874/- was disbursed to Bala Murali earlier. The counsel for Bala Murali stated that this amount was spent towards the welfare of the deceased Ulaganathan. While Bala Murali cannot have any claim against the wife of the deceased Ulaganathan and her son, Selvamni/wife and her son also cannot have any claim against Bala Murali. The respective claims stand settled by the disbursement of the a, b and c amounts as mentioned above.

5.This writ petition is allowed as indicated above. No costs.

18.12.2023

Index : Yes / No
Internet : Yes / No
Skm

Issue order copy on 02.01.2024



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To
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G.R.SWAMINATHAN, J.

SKM

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