



W.P(MD)No.7834 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7834 of 2014

and

M.P(MD)No.2 of 2014

1.A.Sithi Nageeba
2.A.Ainul Abitha

... Petitioners

Vs

1.The Zonal Manager,
Bank of India,
Oppanakkara Street,
Coimbatore.

2.The Branch Manager,
Bank of India,
Mandapam Branch,
Ramanathapuram District.

3.A.Sulthana Meerakhan
4.TajNisha
5.Jegarabevi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's share of 2/5th of the amount accumulated in the accounts of the late.



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Ahamed Ali and Late.Ahamed Gani in the savings bank account Nos. 5940 and 815312100010845, in Bank of India being their legal heirs, by considering the representation dated 26.11.2012 thereby render justice.

For Petitioners : Mr.Sathish Babu

For Respondents : Mr.T.Govindasamy
for R.1 & R.2

ORDER

This writ petition had already been dismissed against the respondents 3 to 5 for default as early as on 20.12.2016. Till date it has not been set aside. In the absence of the private respondents, this issue cannot be decided on merits.

2. The counsel who filed this writ petition originally also reports no instructions. He had also filed a memo stating that he had informed the petitioners about the listing of this Case. The first petitioner / A.Sithi Nageeba has also received notice on 07.02.2023; alternative arrangements has not been made.

3. Coming to the merits of the matter, there appears to be a dispute among the five children of one Ahamed Ali. This issue has to be necessarily resolved only before the jurisdictional civil Court. The question of invoking writ jurisdiction will not arise at all.



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4. This writ petition is dismissed as not maintainable. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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G.R.SWAMINATHAN, J.

MGA

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