



W.P(MD)No.27797 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27797 of 2023

and

W.M.P.(MD)No.23900 of 2023

1.C.R.Kuppuswamy

2.C.K.Shruthi

... Petitioners

Vs.

**1.The Regional Manager,
Indian Overseas Bank,
W3CR/R5J, Kuruvikaran Salai,
Gandhi Nagar, Shenoy Nagar,
Madurai-625 020.**

**2.The Branch Manager,
Indian Overseas Bank,
Visalakshipuram Branch,
3/26, P & T Nagar Main Road,
Rathinasamy Nagar,
Visalakshipuram,
Madurai-14.**

**3.The Branch Manager,
Indian Overseas Bank,
Madurai Main Branch,
No.36, South Masi Street,
Valayal Kadai, Madurai-01.**



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4.S.R.Saravanan

5.S.R.Venkatesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3 not to defreeze the accounts held by Late S.R.Lakshmi and not to lift the lien marked over the 4th respondents SB A/o.No. 004901000056722 to the tune of Rs. 35,72,378.00 and not to grant access of the locker held by Late S.R.Lakshmi to the 4th respondent as her nominee.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.N.Dilip Kumar

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondent bank.

2. The petitioners are father and daughter. The first petitioner's wife Vanishree was the daughter of one Ramarao and Lakshmi. Ramarao passed away on 01.03.2019. Lakshmi passed away on 12.07.2023. Vanishree passed away on 14.02.2020. The petitioner's grievance is that the respondent bank is permitting the fourth respondent to operate the bank account and locker of the deceased Lakshmi. When the petitioners



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approached the bank, the bank made it clear that they would go by the nomination made by the deceased account holder. Challenging the said stand of the bank, the present writ petition has been filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I am not swayed by the said submission. As rightly pointed out by the learned standing counsel, the bank is bound to honour and go by the nomination made by the deceased account holder. Of-course, the nominee cannot appropriate the properties all by himself or herself. The nominee has to function like a trustee. The rights of the legal heirs on the estate of the deceased otherwise remain intact. However, the petitioners cannot expect the bank to act as their guardian. The petitioner has to necessarily move the jurisdictional civil Court by filing succession O.P or any other petition for obtaining relief.



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5. Granting such liberty to the petitioner, the writ petitioner is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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