



WEB COPY

W.P.No.7996 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7996 of 2023

1.V.B.Suresh

2.S.Cijesh

... Petitioners

Vs.

State Bank of India,
Represented by its Branch Manager,
Koyambedu Branch,
Koyambedu, Chennai – 600 107.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to return the gold jewels of First Petitioners wife Late Mrs.S.Sasikala as mentioned in the Appraiser Certificate of the respondent bank dated 30.07.2022 and to close the fixed deposit of safe deposit locker and to pay the matured amount and to pay a sum of Rs.5,00,000/- (Rupees Five Lakh only) towards compensation to the petitioners.

For Petitioner : Mr.P.Manoj Kumar

For Respondent : Mr.B.Siva Kollappan



WEB COPY

W.P.No.7996 of



ORDER

The writ of Mandamus has been instituted to direct the respondent to return the gold jewel of the wife of the 1st petitioner as mentioned in the Appraiser Certificate of the respondent bank dated 30.07.2022 and to close the fixed deposit of safe deposit locker and to pay the matured amount and to pay a sum of Rs.5,00,000/- towards compensation to the petitioners.

2. The wife of the 1st petitioner was a account holder with the respondent / State Bank of India. She possessed a locker at Koyambedu branch and kept the Gold Jewelries. Admittedly, the wife of the 1st petitioner died leaving behind her husband / 1st petitioner and her son / 2nd petitioner. There is no other legal heirs and there is no dispute with reference to the legal heirship certificate.

3. The learned counsel for the petitioner made a submission that the petitioners are possessing the death certificate, legal heirs certificate and the details of the locker. The locker key is also in the custody of the petitioners.

4. It is brought to the notice of this Court that in the presence of the



Branch Manager, the key under the custody of the petitioners was operated with the assistance of the authorities of the State Bank of India and the jewelries kept by the deceased was also verified. Inventory had been taken. That being the factum, there is no dispute or objection from any other persons.

5. The learned counsel for the respondent would submit that the petitioner has to submit a letter of administration from the High Court.

6. However, this Court is of the considered opinion that the letter of administration may not be required in this case, since there is no counter claim or dispute. More so, the petitioners were permitted to open the bank locker along with the bank authorities for taking inventory of the jewels kept by the wife of the 1st petitioner.

7. That being the factum, this Court is considered opinion that the petitioners may be allowed to take gold Jewelries kept in the locker by producing legal heir certificate, death certificate and indemnity bond, which can be obtained from the petitioners. It is needless to state that the petitioners



may produce the Know Your Customer (KYC) documents to the Bank authorities for the purpose of receiving the gold jewelries kept in the locker stood in the name of the deceased wife of the 1st petitioner. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition stands allowed. No costs.

16.04.2024
(1/2)

Jeni
Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes

To

The Branch Manager,
State Bank of India,
Koyambedu Branch,
Koyambedu, Chennai – 600 107.



WEB COPY

W.P.No.7996 of



S.M.SUBRAMANIAM, J.

Jeni

W.P.No.7996 of 2023

16.04.2024
(1/2)