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W.P.No.382 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.382 of 2021

Lavanya

... Petitioner

Vs.

1. The Branch Manager,
Indian Bank,
Vellalore (2285),
5/12, Ashokar Street,
Near IOC Petrol Bunk,
Coimbatore - 641 141.

2. Senior Manager (Law),
Zonal Office,
Indian Bank,
Coimbatore - 641 108.

3. N.Durai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondents 1 to 3 to pay the deposit amount Rs.6,00,000/- lying in the 3rd respondent's fixed deposit A/c, which is re-deposited from the petitioner's late husband Prabusankar's fixed deposit amount and the 40 sovereign of gold jewels in his locker account in 1st Respondent's Indian Bank, Vellalore (2285), 5/12, Ashokar Street, Near IOC Petrol Bunk, Coimbatore-641 141, within the time stipulated by this Court.



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For Petitioner : Mr.R.Chandrasekaran

For Respondents 1 to 3 : No appearance

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ORDER

This writ petition has been filed for direction directing the respondents 1 to 3 to pay the deposit amount lying in the Savings Account No.610380169 and the deposit amount of Rs.6,00,000/- lying in the 3rd respondent's fixed deposit account which is re-deposited from the petitioner's husband fixed deposit. The petitioner also sought for direction directing the 1st respondent to permit the petitioner to open the locker of her husband.

2. Though, notice was served to the 3rd respondent, no one has appeared before this Court either by person or through pleader.

3. The petitioner's husband has Savings Bank Account in the first respondent's bank in A/c.No.610380169. He had deposited sum of Rs.6,00,000/- (Rupees Six Lakhs only) as Fixed Deposit in the A/c.No.06285542423 and her husband was drawing interest every three months till his demise. He had also opened safety locker in the first respondent's bank and kept jewels weighing 40 sovereigns of gold in the safety locker which was presented during her marriage by her parents. While being so, unfortunately her husband died on 29.04.2020 leaving behind the petitioner



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as his legal heir. Thereafter, on 16.07.2020 the petitioner had approached the first respondent claiming the Fixed Deposit amount and also seeking permission to withdraw the amount which is lying in the account of the petitioner's husband Account. She had also requested to operate the locker in which her jewels were deposited by her husband. Though, the petitioner produced her husband's birth certificate and legal heir ship certificate, the first respondent refused to permit the petitioner to operate the account and refused to operate the safety locker on the ground that the 3rd respondent who have been the father of the deceased was nominated as nominee by the petitioner's husband at time of opening of account. It is settled proposition of law that the nominee is only entitled to receive the amount lying in the name of the deceased person and he has no right to take the same and it is only the legal heirs of the deceased, who are entitled to get the amount standing in the name of the deceased person. Admittedly, the petitioner is only sole legal heir of her deceased husband. Therefore, she is entitled to claim the entire Fixed Deposit amount and whatever the amount is lying in the account of the husband. However, the petitioner is being a sole legal heir can also operate the safety locker which was opened by her husband.

4. In view of the above, the first respondent is directed to settle the



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amount which is lying in the Savings Bank Account No.610380169 stands in the name of the petitioner's deceased husband and whatever the deposit made by the petitioner's husband which was re-deposited by 3rd respondent in his name is liable to be re-deposited in the name of the petitioner forthwith. The first respondent is directed to re-deposit the said Fixed Deposit amount in the name of the petitioner forthwith. Further, the first respondent is directed to permit the petitioner to operate the safety locker which was opened by her deceased husband in his name forthwith.

5. With the above direction, this writ petition is allowed. No costs.

05.06.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
gvn

To



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