



W.P.No.27429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P.No.27429 of 2024

Latha

... Petitioner

Vs.

The Branch Manager,
Indian Bank,
Koovathur Branch,
South Street, Koovathur,
Kancheepuram

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to transfer the sum of Rs.56,776.59/- from the petitioner's deceased daughter's bank account in A/c.No.6173310830, IFSC Code No.IDIB000K105 to petitioner's saving bank account in A/c.No.005801000043300, IFSC Code: IOBA0000058 based on the petitioner's representation dated 10.08.2024.

For Petitioner

: Mr. I.Abrar Md. Abdullah

For Respondent

: Mr. R.Sreedhar



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ORDER

It is the case of the petitioner that her daughter namely D.Shanthi died on 27.05.2024 leaving behind her grandson namely D.Shamnath. Her daughter's husband namely Dhanasekar pre-deceased her daughter on 01.03.2024. Her grandson Shamnath is a special child. During her lifetime, the petitioner's daughter is having Savings Bank Account in the respondent bank and a sum of Rs.56,776.59 is now lying in her SB account.

2. It is the further case of the petitioner that she is a senior citizen and has been taking care of her grandson. Being senior citizens, she and her husband are under medication and for their livelihood, she is mainly depending upon her husband's pension. The amount lying in the SB account of her deceased daughter would be helpful for her grandson's treatment and for emergency medical expenses. Hence, she made a representation on 10.08.2024 with necessary documents before the respondent bank seeking to transfer the amount lying in the SB account of her daughter to her SB account. However, the respondent kept the representation of the petitioner



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without passing any orders.

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3. Learned counsel for the petitioner submitted that since the petitioner's grandson is a deaf and dumb coming under the category of 'Special Child', the amount lying in her daughter's account is very much necessary for the petitioner to spend for care and medical expenses of her grandson. Hence, the petitioner made a representation on 10.08.2024 to transfer the amount from her daughter's account in to her account, but till date, no action has been taken by the respondent. Therefore, he prayed for issuing necessary direction.

4. Learned counsel appearing for the respondent submitted that the petitioner's grand son may be permitted to open account with the respondent Bank and also produce legal heir certificate before the respondent and on production of the same, the respondent will transfer the money lying in the petitioner's deceased daughter's account to the account of the child namely Shamnath, son of the deceased.

5. In view of the submissions of the learned counsel for the



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respondent, the petitioner is directed to produce legal heir certificate before the respondent Bank within a period of two weeks from the date of receipt of a copy of this order and as guardian, she is permitted to open bank account in the name of her grandson Shamnath and upon opening of such account, the respondent Bank is directed to transfer the amount lying in the account of deceased D.Shanthi to the account of grandson of petitioner namely Shamnath within a period of two weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs.

18.09.2024

Index: yes/no
Internet:yes/no
msr
To

The Branch Manager,
Indian Bank,
Koovathur Branch,
South Street, Koovathur,
Kancheepuram

M. DHANDAPANI, J.

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