



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.28620 of 2024
and W.M.P.No.31213 of 2024**

1.S.Krithika

2.Minor S.Rudhvik

Rep. by his natural guardian and mother

S.Krithika

... Petitioners

Vs.

1.The Manager,
Karur Vysya Bank,
Chennai-Selaiyur Branch
No.85, Tambaram Velachery Road,
Rajakilpakkam, Selaiyur,
Chennai-73.

2. The Tahsildar,
Tambaram,
Chengalpattu District.

3. Savithri

4. S.Swaminathan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to forthwith foreclose and transfer the 33 fixed deposits amount as per the Annexure appended to the petitioners 1 & 2 and 3rd respondent equally (1/3rd share each) independently to the respective individual bank account.

For Petitioner : Mr.P.Saravana Sowmiyam
For Respondents : Mr.U.Bharanidharan, AGP R2
Mr.S.Shush Ananth for
M/s.T.S.Gopalan and Co. R1

ORDER

This Writ Petition has been filed to direct the first respondent to forthwith foreclose and transfer the 33 fixed deposits amount as per the Annexure appended to the petitioners 1 & 2 and 3rd respondent equally (1/3rd share each) independently to the respective individual bank account.

2. Learned counsel for the petitioner would submit that the 1st petitioner was married to one Shyam Swaminathan on 16.09.2013 as per the Hindu Rites and Customs and the same was registered under Tamilnadu Registration of Marriages Act, 2009. Out of the said wedlock, a male child was born to them on 28.10.2014 namely S.Rudhvik, the 2nd petitioner.



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The 1st petitioner's husband died on 16.07.2024 leaving behind his wife, son and the 5th respondent, the mother of the deceased as his surviving Class I Legal heirs. The legal heir ship certificate is yet to be issued to them. He further submitted that the 1st petitioner's husband was working in Malaysia since 2007 and then shifted to USA in the year 2017 in connection with his job. After the marriage, she also moved to Malaysia along with her husband and thereafter to USA. The 1st petitioner got job and started to work in USA.

(ii). Before their marriage, the 1st petitioner's husband took a LIC Policy with the 3rd respondent namely LIC “Jeevan Tarang” for a sum assured of Rs.10 lakhs bearing Policy No.719269890 commencing on 28.04.2010 and the date of last payment is 28.04.2019 and he appointed his father, the 4th respondent as his nominee. After the demise of the 1st petitioner's husband, the 1st petitioner approached the first respondent to settle the claim as per Hindu Succession Act, 1956 and the Banking Regulation Act. But the first respondent orally informed the 4th petitioner that since the 4th respondent is appointed as nominee, the claim will only be



settled in favour of him. Immediately, she made a representation dated 09.09.2024 to the first respondent to settle the claim in favour of the legal heirs of her deceased husband, but no action has been taken till then. Hence, the present writ petition.

3. Learned counsel appearing for the respondents would submit that if the petitioners appear before the first respondent along with the legal heir ship certificate and claim petition, they will disburse the eligible share of 33 fixed deposits of the deceased to the legal heirs of the deceased.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and this Court had perused the materials available on record.

5. Considering the facts and circumstances of the case that the 1st petitioner's husband died intestate, his legal heirs are entitled to the benefits payable under the Hindu Succession Act, 1956. Therefore, the petitioners



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are entitled to 2/3rd share and the remaining 1/3rd share to the 3rd respondent.

In such view of the matter, the petitioners and the 3rd respondent are directed to appear before the first respondent along with the legal heir certificate and claim petition and the first respondent is directed to disburse the share of the fixed deposits to the 1st and 2nd petitioners and to the 3rd respondent equally (1/3rd share each) in the manner known to law.

6. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs. Connected miscellaneous petitions are closed.

26.09.2024

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To

1. The Manager,
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Chennai-Selayur Branch
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Rajakilpakkam, Selayur,
Chennai-73.

2. The Tahsildar,
Tambaram, Chengalpattu District.



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M.DHANDAPANI, J.

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