



W.P.(MD).No.329 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.329 of 2022

Jebapackiam

... Petitioner

Vs.

1. The Branch Manager,
Canara Bank, Mudalur,
Thoothukudi District.

2. Tamilselvi

3.Sudhakar

4.Selvi

5.Seeli

... Respondents

(Respondents 3 to 5 are suo-motu impleaded vide Court order dated 29.11.2024 made in W.P.(MD)No.329 of 2022)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus directing the respondent bank to release the matured deposit to the petitioner as nominee by closing the re deposit dated 18.8.2021 within stipulated time.

For Petitioner : Mr.T.A.Ebenesar



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For R-1 : Mr.P.Pethu Rajesh

For R-2 : No appearance

ORDER

This writ petition is filed to the respondent bank to release the matured deposit to the petitioner as nominee by closing the re deposit dated 18.8.2021.

2.Heard the learned counsels on either sides and carefully perused the materials available on record.

3.The petitioner is one of the daughters of one Thiru.Deva Asirvatham Nadar who had opened a deposit with the 1st respondent bank on 23.10.2018 for a sum of Rs.18,00,000/- (Rupees Eighteen Lakhs only). The validity of said deposit is 13 months, and the petitioner was appointed as nominee by the said Deva Asirvatham Nadar. The said deposit was renewed on 23.10.2019 for a further period of 13 months from the date of deposit. Later the said Thiru.Deva Asirvatham Nadar had withdrawn a sum of Rs. 4,00,000/- on 25.11.2019, Rs.50,172/- on 24.02.2020, Rs.25,154/- on 23.04.2020 and Rs.25,118/- on 26.05.2020. In the meanwhile, he passed away on 14.08.2020, and he was survived by his wife, one son, and three



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daughters. One of his sons, namely, Koil Raj, predeceased him. After the demise of Thiru.Deva Asirvatham, an amount to the tune of Rs.12,99,556/- was reinvested on 23.12.2020 with the 1st respondent bank for another term of 13 months which matured on 23.01.2022. Pursuant to the same, the petitioner submitted an application for settlement of the claim of the deceased Thiru.Deva Asirvatham to the 1st respondent bank on 18.08.2020. Since the same was not considered, this writ petition came to be filed.

4.The learned counsel for the 1st respondent bank, Mr.P.Pethu Rajesh, on the basis of the counter affidavit filed by the 1st respondent, submitted that the petitioner is entitled to receive the said amount in the capacity of nominee as appointed by the deceased Thiru.Deva Asirvatham. However, other than the petitioner, there are four other legal heirs, and they are entitled to an equitable share in the said deposit.

5.The learned counsel for the petitioner has also fairly conceded with the claim of the learned counsel for the 1st respondent bank that there are some other legal heirs other than the petitioner, and he also filed a memo to that effect.



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6.In view of the same, this Court hereby direct the respondent bank to release the matured deposit to the petitioner in the capacity of nominee by closing the re-deposit dated 23.12.2020 which got matured on 23.01.2022.

7.The legal heirs of the deceased Thiru.Deva Asirvatham Nadar, other than the petitioner, namely, Sudhakar, Selvi and Seeli, all are residing at Mudalur, Sathankulam Taluk, Tuticorin District-628 702, are suo-motu impleaded as the respondents 3 to 5. Registry is directed to carry out the necessary amendments in the cause title.

8.The petitioner is directed to receive the said amount as a trustee who holds the same in trust on behalf of herself and the other legal heirs and is further directed to equitably share the amount among herself and the other surviving legal heirs.

9.With the above directions, this writ petition is disposed of. No costs.

29.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

Sml

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