



W.P.(MD).No.3408 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3408 of 2024

Mahendran

... Petitioner

Vs.

1.The Branch Manager,
State Bank of India,
Paramakudi (Branch Code 00756),
432/4-104, Melavaniyar Street,
P.P.No.1, Paramakudi - 623 707.

2.Muthukrishnan

... Respondents

(R2 is impleaded vide Court order dated 22.11.2024 in WMP(MD)No. 4081/2024 in W.P.(MD)No.3408/2024)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to disburse the amount in the saving bank account of the petitioners father vide A/C No.10747860189 in favour of all the legal heirs within a time frame fixed by this Honourable Court without insisting consent letter by considering the petitioner representation dated 22.11.2023.

For Petitioner : Mr.A.Balaji

For R-1 : Mr.S.Anwar Sameem

For R-2 : No appearance



W.P.(MD).No.3408 of 2024

WEB COPY

ORDER

This writ petition is filed to direct the 1st respondent to disburse the amount in the saving bank account of the petitioner's father vide A/C No. 10747860189 in favour of all the legal heirs within a time frame fixed by this Honourable Court without insisting consent letter by considering the petitioner representation dated 22.11.2023.

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

3.The petitioner's father passed away on 12.05.2000. He maintained an account with the 1st respondent bank vide account No.10747860189. It is known that the deceased person had an amount of Rs.8,00,000/- (Rupees Eight Lakhs only) approximately in the said account. Hence, the petitioner made a representation on 22.11.2023 to disburse the amount equally to all the surviving legal heirs. The said Ponnusamy is survived by eight legal heirs and the details is as follows:

S.No.	Name	Relation of the deceased
1.	Nageswari	Daughter



W.P.(MD).No.3408 of 2024

WEB COPY

2.	Muthukrishnan	Son
3.	Ponnumuthu	Daughter
4.	Jeyasithan	Son
5.	Kasiviswanathan	Son
6.	Mahendran	Son
7.	Malini	Daughter
8.	Veerapandiyan	Son

4. When the matter came up for hearing, the learned counsel for the 1st respondent bank, Mr.S.Anwar Sameem, on instructions, submitted that since the said account was not operated for a long period of time, the same has become a tariff account. Hence, all the legal heirs should produce the following: (i) Copy of death certificate, (ii) Legal heir certificate, (iii) KYC documents of claimants, (iv) affidavits sworn by two independent witnesses, (v) letter of disclaimer, (vi) letter of indemnity signed by claimants, (vii) surety for indemnity (one surety good for the amount or two sureties jointly good for the amount) and (viii) statement of Assets & Liability / Opinion report on surety, along with an application form for settlement of claim of the deceased constituents.

5. The learned counsel for the petitioner submitted that among the eight legal heirs, Muthukrishnan is the eldest son and he is not turning up



W.P.(MD).No.3408 of 2024

for making a joint application along with all other surviving legal heirs.

Hence, there is a difficulty for them to follow the instructions given by the 1st respondent bank.

6.Per contra, the learned counsel for the bank submitted that they cannot disburse the amount in an installment basis to the legal heirs one after the other which should be a one time measure resulting in the closure of the account permanently.

7.Considering the peculiar nature of the case and non co-operation of one of the legal heirs of the deceased, Ponnusamy, the petitioner filed an impleading petition, and the said Muthukrishnan was impleaded as the 2nd respondent by an order made in W.M.P.(MD)No.4081 of 2024 dated 22.11.2024 and notice was duly issued by this Court and the same was received. However, he has not turned up and his name is also printed in the cause list.

8.Hence, this Court is of the considered view that the 2nd respondent wantonly having received the notice, did not turn up before this Court. For



W.P.(MD).No.3408 of 2024

WEB COPY

the adamant nature of the 2nd respondent, the other legal heirs of the deceased could not be made to suffer.

9.In view of the same, the other legal heirs of the deceased Ponnusamy are hereby directed to make an application following all the formalities along with an application form for settlement of claim of deceased constituents. As far as the deceased daughter Nageswari is concerned, her surviving legal heirs who are four in number shall join the other legal heirs in making the application. On receipt of the same, the bank can equally distribute 1/8 share to each of the legal heirs retaining the share of Muthukrishnan.

10.Accordingly, this writ petition is disposed of. There shall be no order as to costs.

09.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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W.P.(MD).No.3408 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.3408 of 2024

09.12.2024