



W.P.(MD).No.8737 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8737 of 2022

R.Divya Bharathi

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Salai,
Chennai-600 001.

2.The Regional Manager,
Regional Office,
State Bank of India,
Tirunelveli.

3.The Branch Manager,
State Bank of India,
8/621 Bharathi Ninaivu Nagar,
Kadayam-Tenkasi Road,
Keela Kadayam-627 415.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second



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respondent to direct the third respondent to take action based on the representation dated 25.03.2022.

For Petitioner : Mr.B.Char Murugan

For R-1 : No Appearance

For R-2 & R-3 : Mr.P.Pethu Rajesh

ORDER

This Writ Petition has been filed seeking to direct the second respondent to take action against the third respondent for not depositing the amounts deposited by the deceased grandfather of the petitioner.

2. The learned Standing Counsel, Mr.Pethu Rajesh, appearing for the third respondent Bank produced the copy of the counter affidavit filed by the third respondent before this Court and submitted that the grandfather of the petitioner, viz., R.Paramasivan had three Bank Accounts in the third respondent Bank, out of which, one was Savings Bank Account in A/c.No.67274014707, in which the petitioner's name was shown as nominee. The petitioner's grandfather also opened a fixed deposit for a sum of Rs.5,00,000/- in Account No.67274020288, which came to be matured on 29.08.2017. For the said Fixed



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Deposit opened, there was no valid nomination. In the earlier term deposit made by the deceased R.Paramasivan in Account No.67274020288, the petitioner's name was originally mentioned as nominee, but, it was cancelled by the said deceased R.Paramasivan and a fresh fixed term deposit was opened vide FDR Receipt No.371220436162 and there was no valid nomination. In the present FDR, the name of the petitioner was not mentioned as nominee by her grandfather. The petitioner's grandfather passed away on 07.02.2019 leaving behind his son and two daughters as legal heirs.

3. In view of the same, since there are several legal heirs to the petitioner's grandfather, the Bank is not in a position to disburse the entire amount in favour of the petitioner. Hence, the Bank was not acted upon on the representation dated 25.03.2022. However, the Bank had given a communication to the petitioner on 10.12.2024 requiring the petitioner to submit certain documents which are as follows:

- “(A).Application form in prescribed format*
- (B).FDR receipt of the deceased (in original)*
- (C).Death Certificate*
- (D).Legal Heir Certificate*



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(E).Letter of Disclaimer (to be signed by legal heirs other than the claimant)

(F).Affidavit (to be signed by two persons with acceptable net worth)

(G).Letter of Indemnity (to be signed by two persons with acceptable net worth)

(H).Letter of relinquishment

(I).Identification proof of legal heirs, sureties and affidavits.”

4. In view of the same, the petitioner is required to submit all those documents before the respondent Bank forthwith and on receipt of the same, after giving an opportunity to all the parties, the respondent Bank shall pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of with the above direction. No costs.

15.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
TSG



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To

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L.VICTORIA GOWRI, J.

TSG

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