



W.P.(MD)No.16317 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.16317 of 2022

R.Saravanan @ Saravanakumar

... Petitioner

Vs.

1.The General Manager,
Canara Bank Circle Office, Madurai,
MPID Section,
St Mary's Campus East Veli Street,
Madurai.

2.The Joint General Manager,
Canara Bank Regional Office,
New Agarakaram Palani Road,
Dindigul District.

3.The Branch Manager,
Canara Bank,
Vadamadurai,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to release the Matured Fixed deposit amount in favour of the petitioner, which is connection with FDR No.5/1996, dated 05.01.1996 of petitioner's paternal (died) uncle named, A.Kondal Raj Naidu, S/o.Alagar Samy.

For Petitioner

: Mr.S.Moorthy

For Respondents

: Mr.C.Karthik

Standing Counsel



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ORDER

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The prayer in the Writ Petition reads as follows:-

“To issue a Writ of Mandamus, directing the 3rd respondent to release the Matured Fixed deposit amount in favour of the petitioner, which is connection with FDR No.5/1996, dated 05.01.1996 of petitioner's paternal (died) uncle named, A.Kondal Raj Naidu, S/o.Alagar Samy.”

2.The petitioner's paternal uncle one Kondal Raj Naidu passed away on 01.02.1997. Since he was unmarried, a suit for partition was filed with respect to movable and immovable properties for various second class heirs and the same culminated till Second Appeal before this Court in S.A. (MD)No.705 of 2013 and this Court regarding the compromise filed by the various parties in the aforesaid case, had passed the judgment and decree on 03.02.2020 and the same is extracted as follows:-

“1.That the judgment and decree of the Principal District Court, Dindigul, dated 21.02.2011, made in Appeal Suit No.29 of 2007 and the judgment and decree of the learned Principal Subordinate Judge, Dindigul, in Original Suit No.75 of 2007, dated 27.04.2007, in respect of immovable properties, be and hereby are set aside.

2.That, the original deposit amount of Rs.75,000/- in the Canara Bank and of Rs.1,00,788/- in the Dindigul Anna District Central Co-operative Bank, Vadamadurai, be and hereby are divided equally between the parties, namely the appellant and the first respondent.

3.That, the interest accrued in respect of both the above



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deposits till it is actually received shall go to the share of the appellant and the 1st respondent has no claim in respects of the accrued interest.

4.That, this modification to the earlier agreement dated 26.07.2017, is confirmed by both parties and it is also confirmed that in all other respects, the division of immovable properties have already been over and has taken effect.

5.That there be no costs in this Second Appeal.”

3.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel for the respondents and carefully perused the entire materials available on record.

4.As far as his savings are concerned, he has deposited a sum of Rs.75,000/- in Fixed Deposit Receipt bearing No.5 of 1996, dated 05.01.1996, in the third respondent Bank and another two Fixed Deposits for an amount of Rs.50,788/- and Rs.50,000/- respectively, in Anna District Cooperative Society Bank, Dindigul. After the judgment passed by this Court in Second Appeal, the petitioner and other legal heirs have made an application before the third respondent for disbursal of the aforesaid Fixed Deposit in Receipt bearing No.5 of 1996 for which, the third respondent Bank had required the applicants to submit a claim form along with copies of death certificate of deceased depositor and nominee proof duly witnessed by any two persons known by the third respondent bank. The said exercise has not done by the petitioner and other legal heirs so far.



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5. In view of same, this petitioner hereby direct the petitioner to submit a claim form along with other surviving legal heirs of the deceased Kondal Raj Naidu, son of Algarsamy, along with original Fixed Deposit Receipt, death certificate and nominee proof duly witnessed by any two persons known to the third respondent Bank. The third respondent Bank, on receipt of the same, can disburse of the matured amount remaining in the Bank, in terms of the joint compromise memo, dated 28.01.2023, which was submitted before this Court in the Second Appeal within a period of four weeks from the date of receipt of copy of this order.

6. Hence, the Writ Petition is disposed of. There shall be no order as to costs.

19.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn



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To

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L.VICTORIA GOWRI, J.

Mrn

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