



W.P.(MD) No.3372 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.3372 of 2018

1.Chandra Vedana

2.Parimalam

... Petitioners

/vs./

1.The Managing Director,
Madurai District Central Cooperative Bank Ltd.,
187, Northveli Street,
Madurai -1.

2.The Secretary,
Madurai District Central Cooperative Bank Ltd.,
187, Northveli Street,
Madurai -5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to grant permission to the petitioners to open the safety Locker No.A145 in the Madurai District Central Co-op Bank Ltd, situated in 187,North veli street, Madurai city.

For Petitioners : Mr.N.S.Ponnaiah



WEB COPY

W.P.(MD) No.3372 of 2018

For Respondents : Mr.D.Shanmugaraja Sethupathi

ORDER

The petitioners have filed this writ petition for a Mandamus to direct the respondents to grant permission to the petitioners to open the safety Locker No.A145 in the Madurai District Central Co-op Bank Limited situated in 187, North Veli Street, Madurai City.

2.Despite order dated 16.04.2019 asking the petitioners to implead all the legal heirs of the deceased Kasi Thevar, no steps have been taken so far.

3.Today, when the case was taken up for hearing, the learned counsel for the petitioners submits that the issue has attained finality in O.S.No.100 of 2010 filed by the petitioner and O.S.No.199 of 2009 filed by the legal heirs of late.Kasi Thevar as against the petitioners and that O.S.No.100 of 2010 was allowed and O.S.No.199 of 2009 was disposed of.

4.It is submitted that the matter also reached the Division Bench of this Court in A.S.(MD) No.3 of 2014 at the behest of the legal heirs of late.Kasi



W.P.(MD) No.3372 of 2018

Thevar, the father-in-law of the first petitioner. A reference is made to paras 35 and 36 of the judgment and decree passed in A.S.(MD) No.3 of 2014 on 20.07.2017, which reads as under:

“35.The first defendant in OS No.199 of 2009 has instituted 0.5.No.100 of 2010 on the file of the trial Court for the relief of permanent injunction. It has already been discussed in detail that on the side of the defendants in O.S.No 199 of 2009, abundant/acceptable/trust worthy evidence is available for the purpose of proving partition and also for the purpose of Ex B6, the Will. Since all the properties found in 0.S.No 100 of 2010 the absolute properties of deceased Balasubramanian, the plaintiff in O.S.No. 100 of 2010 is in possession and enjoyment of the same. Under the said circumstances, the relief of perpetual injunction sought therein can easily be granted in favour of the plaintiff.

36.It has already been pointed out that on the basis of vital documents filed on the side of the defendants in O S.No.199 of 2009, it has been clinchingly established that already a partition has taken place in respect of suit properties. Since already a partition has taken place, the plaintiffs are not having any semblance of right of partition.”

5.Although it is mandatory on the part of the petitioners to have impleaded the legal heirs of late.Kasi Thevar, the father-in-law of the first petitioner/grandfather of the second petitioner (the father of the first petitioner's husband/the grandfather of the second petitioner), I am inclined to dispose of this writ petition by directing the respondents to pass suitable orders after due notice to the other legal heirs of late.Kasi Thevar.



W.P.(MD) No.3372 of 2018

WEB COPY

6. After hearing them, the first respondent shall consider the petitioners' request for using the safety locker No.A145. While granting such relief, the first respondent may consider the conduct of the petitioners for having paid the rent for the locker on 05.12.2019. This exercise shall be completed by the first respondent within a period of 3 months from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
mm

18.07.2024



WEB COPY



W.P.(MD) No.3372 of 2018

C.SARAVANAN, J.

mm

W.P.(MD) No.3372 of 2018

18.07.2024