



W.P.(MD)No.22735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22735 of 2024

- 1.Arul Kanagarajan
- 2.Murali Kanagarajan
- 3.Gopal Kanagarajan
- 4.Thavaselvan Kanagarajan
- 5.K.Ramkkumar Kanagarajan

... Petitioners

Vs.

- 1.The Deputy General Manager,
Canara Bank, East Veli Street,
Madurai.
- 2.The Chief Manager,
Canara Bank,
Grand Central Branch,
118, West Perumal Maistry Street,
Madurai – 1.
- 3.The Branch Manager,
Canara Bank,
Grand Central Branch,
118, West Perumal Maistry Street,
Madurai – 1.

.... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus or any other appropriate writ, direct the respondents to approve the death claim application submitted by the petitioners on 02.05.2024 ref.No 1008CN00019 and DCS/Web/2024/109976 to take the jewels and other things in the locker to the petitioners and fix a time frame to complete the same.

For Petitioners : Mr.R.Ramasamy

For Respondents : Mr.R.Anandharaj

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to approve the death claim application submitted by the petitioners on 02.05.2024 Ref.No 1008CN00019 and DCS/Web/2024/109976 to take the jewels and other things in the locker and fix a time frame to complete the same.

2. Heard the learned counsel for the petitioner and the learned counsel, who takes notice, for the respondents. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. It is the case of the petitioners that the petitioners' mother died on 04.05.2005 in India and she opened a locker in the third respondent bank and operated in her life time. After the death of the petitioners' mother, all the petitioners want to open a locker and therefore, filed a Writ Petition before this Court in W.P.(MD)No.25489 of 2023. At the time of hearing, all the legal heirs were present through video conferencing and after hearing them, there was a direction to open the locker. Now the petitioners have given a death claim application on 02.05.2024. However, the same was not processed by the respondents. Hence, the petitioners have filed this Writ Petition.

4. The learned counsel appearing for the respondents would submit that they have entertained some doubts with regard to the power agent. He further submitted that in the earlier proceedings one Chidambaram was appointed as power agent and now Arul Kanagarajan, the first petitioner was appointed as power agent by the other petitioners. That apart, there is some discrepancy in the translation of the Court decree and in this regard only, they sought for clarification.



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5. At the outset, this Court is of the view that merely because, different power agent has been appointed, that cannot be a reason to suspect the rights of the parties. Now one of the brothers has been appointed as power agent by the other sibilings and that may not be a ground to reject the claim of the petitioners. Therefore, the respondents are directed to process the death claim application, which was already filed by the petitioners, within a period of one month from the date of receipt of a copy of this order and permit the power agent, appointed in this regard, to open the locker, after obtaining necessary indemnity bond from the said power agent.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

25.09.2024

NCC : Yes/No
Index : Yes/No
vsm



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N.SATHISH KUMAR, J.

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