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W.P.(MD)NO.20215 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20215 of 2023

A.Thirumeni

... Petitioner

Vs.

1. The Regional Manager,
Regional Office, State Bank of India,
Subramaniapuram 1st Street,
Karaikudi Town, Karaikudi Taluk,
Sivagangai District.
2. The Branch Manager,
State Bank of India, North Street, Thiruvadanai,
Thiruvadanai Taluk,
Ramanathapuram District.
3. T.Kalaiyarasi
(R-3 is impleaded vide order dated 14.03.2024
in W.M.P.(MD)No.17786 of 2023)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to withdraw the petitioner's pension payment that have been credited and accumulated in Account No. 20046520835 maintained with the 2nd respondent's bank by having a continuous transaction over the same.

For Petitioner : Mr.R.Anand

For R-1 & R-2 : Mr.N.Dilipkumar,
Standing counsel.

For R-3 : Mr.S.Atham Ali

* * *

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner is an ex-serviceman. The third respondent is his wife. They got married in the year 2006. Two children have been born through the wedlock. There appears to be some strain in the marital relationship. The property had been purchased in the name of the third respondent after availing loan from SBI. The loan is being paid by the petitioner herein. The learned Standing counsel appearing for the Bank informs the Court that the dues payable to the bank has been quantified at Rs.19,76,595/- as on 14.03.2024. The petitioner is ready to clear the entire loan liability at one go.

3. The second respondent bank is permitted to debit the entire loan liability from the writ petitioner's petition mentioned savings bank account. This can be done immediately after the receipt of the order copy. The petitioner states that the balance amount can be equally shared. The third respondent is directed to open another SB account in the second respondent Bank. Likewise, the petitioner shall also open another SB account. The balance amount after settling the loan liability by the second respondent will be shared equally and credited in equal share to



the two accounts. The petitioner is getting pension. The said amount shall be shared equally by the petitioner and the third respondent.

Standing direction is given to the second respondent to credit the pension amount received in the name of the petitioner equally to the said two accounts. The petitioner states that the house property purchased in the name of the wife can very well be occupied by the wife and the children and that he will not come in the way. This writ petition stands allowed on these terms. The freeze order shall stand set aside. The third respondent undertakes to withdraw the maintenance case filed against the petitioner herein. This undertaking is recorded. No costs.

15.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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G.R.SWAMINATHAN,J.

PMU

To:

1. The Regional Manager,
Regional Office, State Bank of India,
Subramaniapuram 1st Street, Karaikudi Town, Karaikudi Taluk,
Sivagangai District.
2. The Branch Manager,
State Bank of India, North Street, Thiruvadanai,
Thiruvadanai Taluk, Ramanathapuram District.

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