



**WP(MD). No.21710 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 18/10/2024**

**CORAM**

**The Hon`ble Mr.Justice N.SATHISH KUMAR**

**WP(MD). Nos.21710 and 24217 of 2024  
and WMP(MD) Nos.18334 and 20488 of 2024**

**WP(MD) No.21710/2024**

S.Padmavathy

... Petitioner

**Vs**

1.The Branch Manager,  
Indian Overseas Bank,  
Palayamkottai Branch,  
Tirunelveli - 2.

2. Chithradevi,  
W/o.Late.Kanagavelpandian,  
A-54, 4th Floor A-Block,  
Sri Lakshmi Nivasam,  
Opposite to Decathlon, Birla Junction,  
Vishakpatnam,  
Andhra Pradesh.

... Respondents

**PRAYER :-** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 1<sup>st</sup> respondent from disbursing the amount of Late.C.Ponnuthai lying in her Account No.006701000048926 with the 1<sup>st</sup> respondent bank to the 2<sup>nd</sup> respondent and consequently direct the 1<sup>st</sup> respondent to disburse the



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amount to the petitioner from Late.C.Ponnuthais account based on the petitioner's representation dated 04.09.2024 within a stipulated period as fixed by this Court.

For Petitioner : M/s. K.Sankararaman  
For Respondents : Mr.N.Dilipkumar for R1  
Mr.H.Arumuam for R2

**WP(MD) No.24217/2024**

1. S.K. Chithra Devi,
2. Minor K.Varsha,
3. Minor K.Pradipta,

... Petitioners

Vs

1. The Senior Regional Manager,  
Indian Overseas Bank,  
No.131, East Car Street,  
Tirunelveli Town, Tirunelveli..

2. The Branch Manager,  
Indian Overseas Bank,  
Palayamkottai Branch,  
Tirunelveli..

3. S.Padmavathy,  
W/o.A.Maharajan,  
No.17-B, 80, Feet  
Road, 2nd Cross Street,  
Rahmath Nagar(E),  
Tirunelveli – 627011..

... Respondents



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**PRAYER :-** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to disburse the amount available in The SB Ac.No. 006701000048926 and the Fixed Deposits Nos.006704000002486, 006704000002487, 006704000002488, 006704000002489, 006704000002490, 006704000002491, 006704000002630, 006704000007621 and 006704000007623 to the petitioners and the 3<sup>rd</sup> respondent in accordance with section 8 and 15 of the Hindu Succession Act 1956.

For Petitioners : Mr.H.Arumugam  
For Respondents : Mr.N.Dilipkumar for R1&R2  
Mr.K.Rajeswaran for R3

### **COMMON ORDER**

Both the writ petitions have been filed for disbursement of the fixed deposit amount and the savings amount of one late Ponnuthai, which was deposited with the first respondent bank, to the petitioners herein.

2. The petitioner in WP(MD) No.21710/2024 is the daughter of the Ponnuthai. The petitioners in WP(MD) No.24217/2024 are the daughter-



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in-law and grand children of Ponnuthai. The husband of the first petitioner in WP(MD) No.24217/2024 died on 24.06.2024. Subsequent to his death, her mother-in-law Ponnuthai has also died on 15.07.2024. She was the retired Postmaster and was also receiving the pension of her husband and had deposited a sum of Rs.9,20,000/- with the respondent Bank and has also some amount in the savings bank account. While so, in order to disburse the same, the petitioners approached the respondent bank. Ponnuthai's daughter has filed writ petition forbearing the respondent bank from disbursing the amount to the daughter-in-law. However, the daughter-in-law has filed the writ petition to release the amount.

3. When the writ petitions were taken up for hearing today, the learned counsel, on instructions, would submit that the parties have agreed to divide the amount in equal shares. Thus, 50% of the deposit amount and the savings bank amount shall be disbursed to the petitioner in WP(MD) No.21710/2024. Likewise, 50% of the deposit amount and the savings bank amount shall be disbursed to the petitioners in WP(MD) No.24217/2024. It is also agreed between them before this Court that the



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said amount, namely, 50% from both the accounts payable to the petitioners in WP(MD) No.24217/2024 will be deposited in an interested bearing account either in a nationalised bank or in the post office, so that the interest of the minors will be protected.

4. I have considered the rival submissions and perused the materials available on record.

5. Accordingly, the writ petitions are disposed of with the following directions:

(i) The parties shall approach the respective bank and shall give a letter for release of the amount;

(ii) On such application being filed, the bank shall release 50% of the amount to the petitioner in WP(MD) No.21710/2024 and 50% to the petitioners in WP(MD) No.24217/2024, along with accrued interest;

(iii) The amount allotted to Chithra Devi and minor children shall be deposited in a nationalised bank or post office, where the interest rate is higher. The amount shall be deposited till the minors attain majority. However, their mother Chithra devi shall withdraw the interest alone for



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the purpose of education.

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6. It is stated that the original deposits with regard to Rs.19 lakhs is available with the writ petitioner Padmavathi. The same shall be produced to the bank for disbursement, besides the death certificate and legal heir certificate. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order. No costs. Consequently connected Miscellaneous Petitions are closed.

**18.10.2024**

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**N.SATHISH KUMAR,J**

**RR**

**ORDER  
IN**

**WP(MD) Nos.21710 and 24217 of 2024**

**Date : 18/10/2024**