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W.P(MD)No.4812 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.4812 of 2017
and
W.M.P.(MD)No.3834 of 2017

Abdul Salam Yoonuse Abdul Salam

... Petitioner

/Vs./

1.The Manager,
Indian Overseas Bank,
No.63D, Nadaikavoo Main Road,
Chethan Code Post,
Nadaikavoo,
Kanyakumari.

2.Jaseera Latheefa Beevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from opening the locker No.33, Indian Overseas Bank, No.63D, Nadaikavoo Main Road, Chethan Code Post, Nadaikavoo, Kanyakumari.

For Petitioner : Mr.P.Banuprasath

For R1 : Mr.N.Dilipkumar
Standing Counsel

For R2 : No Appearance



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ORDER

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The writ petition is filed to issue a writ of mandamus forbearing the respondents from opening locker No.33, Indian Overseas Bank, No.63D, Nadaikavoo Main Road, Chethan Code Post, Nadaikavoo, Kanyakumari.

2.The petitioner is working in Dubai and he was maintaining an account with the Indian Overseas Bank, Kanyakumari District. In the year 2008, he availed the locker facility jointly with his wife/second respondent to keep the gold jewels and documents in a safe custody. It appears that there was some dispute between the petitioner and second respondent. Hence, the petitioner made a representation through e-mail requesting the first respondent not to permit the second respondent to access the joint locker. Having received the same, the first respondent has not responded. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3.The case of the petitioner is that at the time of marriage, the locker was hired jointly by the petitioner and the second respondent and he kept the gold ornaments and valuable documents in the joint locker. Later, the petitioner came to know that the second respondent was already married to one Abdul Sathar and



suppressing the same, she has married this petitioner in order to cheat him.

Hence, the petitioner has sent a representation to the respondent Bank to revoke the authorisation given to the second respondent to locker No.33. But, the same was not acted upon. The petitioner under the apprehension that the second respondent is attempting to open the locker and take away the jewels, with the collusion of the first respondent, has filed the present writ petition.

4. When this writ petition is taken up for hearing, the learned counsel for the petitioner sought time to get instructions.

5. The learned counsel for the first respondent submits that in the divorce proceedings between the petitioner and the second respondent before the Family Court, Chavara, Kerala in O.P.No.930 of 2013, the Court had appointed an Advocate Commissioner to take up the articles kept in the joint locker. Accordingly, this locker was opened and the belongings of the petitioner and the second respondent were taken by them. A report to this effect was also filed by the Advocate Commissioner. He further submits that the locker in question is now assigned to some other person.



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6. In view of the further developments that had taken place, no further adjudication is required to be done in this writ petition. Accordingly, this writ petition is closed. The petitioner is at liberty to workout his remedy in the divorce proceedings. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
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B.PUGALENDHI,J.

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