



W.P.No.7425 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.7425 of 2025

R.SUNDARI

... Petitioner

Vs

THE BRANCH MANAGER,
CANARA BANK,
NUNGAMBAKKAM BRANCH,
CHENNAI- 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondent bank to disburse the entire amount deposited by the petitioner's husband Thiru.Rajkumar which is lying in the saving account No.60182180008901 to the petitioner.

For Petitioner : Ms.R.Nirmala

For Respondent : Mr.R.Sreedhar

ORDER

This writ petition is filed with a prayer to issue a writ of mandamus directing the respondent bank to disburse the entire amount deposited by the petitioner's husband, *Thiru.Rajkumar*, which is lying in the Saving Account No.60182180008901 to the petitioner.



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2. The case of the petitioner is that the petitioner, *R.Sundari*, is the wife of late *Rajkumar*. The above Savings Bank account belongs to her husband and the amounts have been deposited in the said account. After her husband's demise, even in the official service records with the Railways, the petitioner's name is mentioned as his wife. All the retiral benefits and death benefits were released to the petitioner. However, when the petitioner approached the respondent bank to claim the money lying in the account, she was shocked to know that in the nomination form, one *Sujatha* is listed as the nominee, as if she were the wife of *Rajkumar*. According to the petitioner, there is no person named *Sujatha* and it is likely that the name of *R.Sundari* was wrongly written as *Sujatha*. Therefore, she prays that, de hors the said erroneous name in the nomination form, the amounts should be released to the petitioner.

3. When the matter came up for hearing, *Mr.R.Sreedhar*, learned counsel appearing on behalf the respondent Bank, submitted that they have no other option than to go as per the nomination form. He admitted that it is true that no person name *Sujatha* can be traced, even by the bank.



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4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The stand taken by the bank cannot be faulted, as the nomination form filled out by the petitioner's husband *Rajkumar*, clearly mentions that he is nominating one *Sujatha* as his wife as the nominee. However, both sides agree that no such person named *Sujatha* exists. The petitioner has made a positive assertion that she is the only wife and that perhaps her name was mistakenly written as *Sujatha* instead of *Sundari*. According to her, this is an error that occurred while filling up the form. Even otherwise, there is no rival claim from any person named *Sujatha*. *Rajkumar* is said to have worked in the Railways and in the railway records, only the name of the petitioner *Sundari* is listed as his wife. Till today, no such claim has been made by any person named *Sujatha* before the respondent bank. The learned counsel appearing for the respondent bank also submits that, despite their best efforts, they could not search or find out who *Sujatha* is.



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6. Under these circumstances, when there is no rival claim and when the petitioner claims that she is the only wife of *Rajkumar*, she will be entitled to the money. However, in the unlikely event that the said *Sujatha* surfaces and makes a rival claim, the bank should not be put to a disadvantageous situation. Therefore, the petitioner can be requested to execute an indemnity bond stating that, in the event of any third party claim, she will make good any loss to the bank.

7. In view thereof, this writ petition is disposed of on the following terms:-

(i) The respondent bank is directed to take an affidavit of undertaking from the petitioner stating that there is no such person as *Sujatha*.

(ii) An indemnity bond may also be taken from the petitioner, stating that she will make good any loss to the Bank, if any third party claim arises in respect of the said transaction. The bank may also require such



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other forms as per its procedure and the amounts shall be released to the petitioner in accordance with the bank's procedures.

(iii) The Bank will act immediately upon the production of the webcopy of the order without waiting for the certified copy of the order.

(iv) No costs.

04.03.2025

Neutral Citation: Yes/No
nsl

To

THE BRANCH MANAGER,
CANARA BANK,
NUNGAMBAKKAM BRANCH,
CHENNAI- 600 034.



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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