



W.P.No.8756 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.03.2025

CORAM:

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

W.P.No.8756 of 2025

1. M.RANI
2. A.MOHANA

... Petitioners

Vs

1. THE CHIEF MANAGER,
INDIAN BANK,
NO.254-260,
AVVAI SHANMUGAM SALAI,
ROYAPATTAI,
CHENNAI-600 014.
2. THE GENERAL MANAGER,
INDIAN BANK - CORPORATE OFFICE,
NO.254-260, AVVAI SHANMUGAM SALAI,
ROYAPATTAI, CHENNAI-600 014.
3. THE MANAGER,
INDIAN BANK,
NO.119/ 1 & 2,
ZENOFER TOWER,
JAWAHARLAL NEHRU SALAI,
JAFFERKHANPET, CHENNAI-600 083.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, to direct the third respondent to settle 1/3 share of each petitioner which stood in their mother's name in S.B.A/C No.425849724 in the third respondent Bank.



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For Petitioner : Mr.S.T.Varadarajulu
For R1 to R3 : Mr.V.Kalyanaraman

ORDER

This writ petition is filed with a prayer to direct the third respondent to settle 1/3 share to each of the petitioners in respect of the money lying to the credit of S.B.A/C No. 425849724 which stood in the name of the petitioner's mother.

2. The grievance of the petitioner is that the petitioner's mother, *J.Lakshmi Ammal*, was holding the said Savings Bank account at the third respondent branch. She died intestate on 21.10.2016 and left behind three legal heirs. She had two daughters, *M. Rani* and *A. Mohana*, and one son, *J.Rajendran*. Of the three legal heirs, the whereabouts of the son, *J.Rajendran*, are not known. Therefore, since his signature could not be obtained and since he is not appearing before the third respondent, the third respondent is not releasing the entire amount. A sum of Rs.3,60,439/- along with further accrued interest is lying to the credit of the above Savings Bank account. The two writ petitioners are entitled to 1/3 each and the son, even if he returns, will be entitled to only 1/3. Therefore, when the petitioners are praying for their



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respective shares, the respondent bank ought to have released the same.

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3. When the matter came up for admission, *Mr.V.Kalyanaraman*, the learned counsel appearing on behalf of the respondents submitted that as per the rules of the bank, the bank can release the funds only if all the legal heirs make a joint application. If there is any dispute, the petitioner should obtain an appropriate Court order or succession certificate.

4. No exception can be taken to the approach of the respondent bank. However, considering the peculiar circumstances of the case that the said brother of the petitioners, *J. Rajendran*, is unheard of and even if he appears at a future date, he can only claim his 1/3 share.

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

(i) The petitioner shall appear before the third respondent and execute an indemnity bond, undertaking to make good any loss for the bank if, at a later date, any claim arises from the said *J.Rajendran*.



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WEB COPY(ii) Upon execution of such an indemnity bond, each of the petitioners shall be released 1/3 of the amount, and the remaining 1/3 will ultimately depend on the claim of *J.Rajendran*.

(iii) The petitioner shall appear before the third respondent and execute the indemnity bond on 27.03.2025 or at the earliest opportunity. Thereafter, within two weeks from the date of execution of the indemnity bond, the amount shall be released to the petitioners.

(iv) As far the son's share is concerned, the same will be held in the said account, which will ultimately depend on the son reappearing and claiming the amount or the petitioners obtaining an appropriate declaration from the Civil Court and thereafter claiming the 1/3 share. The said amount shall be invested in an interest-bearing fixed deposit by the bank itself so that the amount will earn interest. No costs.

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Neutral Citation: Yes/No
nsl



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