



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 11.07.2025

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THE HONOURABLE **Mr. JUSTICE N. ANAND VENKATESH**

W.P.No.15517 of 2025

R.Adhithiya

.. Petitioner

Vs.

1.The Branch Manager
Indian Overseas Bank
Kurinjipadi Branch
Cuddalore District.

2.T.Sumithra

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to close petitioner's grandmother's fixed deposit account A.C.No.280701000016642 and transfer the amount to petitioner bank account No.7541389261, Indian Bank, Kurinjipadi Branch by considering the petitioner's representation dated 14.03.2025.



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For Petitioner : Mr.K.Vijayakumar

For Respondents : Mr.V.Kadhirvelu
Panel Counsel (IOB) for R1

Mr. D.Baskar
for R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 1st respondent to close the fixed deposit that stands in the name of the petitioner's grandmother and to transfer the amount to the bank account of the petitioner by considering the representation made by the petitioner on 14.03.2025.

2.The learned Standing Counsel appearing on behalf of the 1st respondent bank submitted that the grandmother of the petitioner had nominated the petitioner to receive the fixed deposit amount. However, the 2nd respondent has given an objection and therefore the 1st respondent bank is not in a position to close the fixed deposit and transfer the amount to the account of the petitioner. The learned Standing Counsel submitted that the 1st respondent bank is willing to comply with the orders passed by this Court provided that the petitioner gives an indemnity



bond and does not drag the bank into any further legal proceedings.

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3.The learned counsel for the petitioner submitted that the deceased had post office deposit and also fixed deposits in IOB and Canara Bank apart from the present fixed deposit and that all those deposits were withdrawn by the 2nd respondent. The learned counsel therefore submitted that atleast the petitioner can be permitted to withdraw the present fixed deposit since the petitioner is a nominee.

4.The learned counsel for the 2nd respondent submitted that the petitioner does not have any right over the fixed deposit and that the 2nd respondent is the daughter of the deceased and she alone is entitled for the amount.

5.In the considered view of this Court, it is not necessary for this Court to go into the inter se dispute between the petitioner and the 2nd respondent. For the present this Court can only decide regarding the fixed deposit that remains with the 1st respondent bank and how it should be dealt with by the 1st respondent.

6.The petitioner is the nominee and the 2nd respondent claims a right over



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the fixed deposit being the daughter of the deceased. The petitioner is also claiming a right over the other deposits which has been withdrawn by the 2nd respondent. Hence, insofar as the entitlement to the amounts belonging to the deceased which stood in her name in various deposits, the parties will have to agitate before the competent Civil Court. In the meantime, in order to ensure that the present fixed deposit accumulates some interest, there shall be a direction to the 1st respondent bank to close the fixed deposit that stands in the name of the petitioner's grandmother. The fixed deposit amount along with accrued interest shall be utilised for opening a fixed deposit in the name of the petitioner. The fixed deposit shall be initially for a period of two years. In the meantime, it is left open to the parties to approach the concerned Civil Court and workout their remedy. If the proceedings before the Civil Court does not come to an end within the term for which the fixed deposit is opened in the name of the petitioner, the same shall be renewed from time to time along with accrued interest. Ultimately, depending upon the final decision arrived at by the Civil Court, the respective parties will be entitled to withdraw the fixed deposit amount along with accrued interest.

7.This writ petition is disposed of in the above terms. No costs.



11.07.2025

Index : Yes/No

Neutral Citation : Yes/No

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To

The Branch Manager
Indian Overseas Bank
Kurinjipadi Branch
Cuddalore District.

N. ANAND VENKATESH, J.

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