



W.P.No.34602 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.34602 of 2025

G.Guravaiah

... Petitioner

Vs.

1.The Branch Manager,
TNSC Bank, Periyamet Branch,
Periyamet, Chennai.

2.The Branch Manager,
TNSC Bank, Purasawalkam Branch,
No.69 & 70, Tana Street,
Perumalpet, Purasaivakkam,
Chennai – 600 007.

3.K.Subbarao

4.K.Pushparaj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to disburse, release the amounts, fixed deposits in savings account No.222027066, C.C.719875138, C.C.No.719884059, C.C.719884085 and further directed the 2nd respondent to disburse, release the amounts, fixed deposits in saving account No.7199789351, Dr.No.049360, Dr.No.049358, Dr.No.047824, Dr.No.047825 in pursuant of the petitioner's representation dated 26.04.2025.



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W.P.No.34602 of 2025

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.S.Prabhakaran
for M/s.Paul & Paul, J.Hudson
Samuel & Partners [R3 & R4]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the 1st respondent to disburse, release the amounts, fixed deposits in savings account No.222027066, C.C.719875138, C.C.No.719884059, C.C.719884085 and further directed the 2nd respondent to disburse, release the amounts, fixed deposits in saving account No.7199789351, Dr.No.049360, Dr.No.049358, Dr.No.047824, Dr.No.047825 in pursuant of the petitioner's representation dated 26.04.2025.

2. Since no adverse order has been passed against the respondents 1 and 2, notice to the respondents 1 and 2 is dispensed with.

3. Mr.S.Prabhakaran, learned counsel, accepts notice on behalf of the respondents 3 and 4. With the consent of the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal



W.P.No.34602 of 2025

at the stage of admission itself.

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4. The case of the petitioner is that he got married to one Santhakumari and the respondents 3 and 4 are the brothers of the said Santhakumari. The petitioner along with his wife had maintained some savings accounts and fixed deposit in the respondents 1 and 2/bank. Whiles, on 07.01.2021, his wife passed away due to Covid-19. After demise of the petitioner's wife, one Sheeba, who is the daughter of the 4th respondent, has transferred a sum of Rs.16,000,000/- to her bank account, from the account of the petitioner's wife by forging her signature in a cheque and the respondents 3 and 4 along with said Sheeba, have trespassed into the house of the petitioner and stolen 600 grams of gold ornaments, cheque books, silver articles, fixed deposit documents and property documents worth about 1.5 crores. In this regard, he had lodged a complaint before the law enforcing agency on 24.12.2021. In the meantime, the respondents 3 and 4 have filed a suit claiming that they are the brothers of the deceased and they are entitled to 50% of share of the entire estate of the deceased, since she is a christian, in which there was no stay or specific direction or interim injunction restraining the respondents 1 and 2 to disburse amount lying in the fixed deposit to the



W.P.No.34602 of 2025

petitioner. In such circumstances, the petitioner has made representations before the respondents 1 and 2 seeking to disburse the amount lying in the account of his deceased wife and fixed deposits to him. Since the same was not considered, the petitioner has filed this writ petition before this Court for appropriate orders.

5. The learned counsel appearing for the petitioner submits that already the respondents 3 and 4 have filed a suit in O.S.No.3385 of 2022 on the file of the VI Additional City Civil Court, Chennai claiming 50% of share from the deceased properties and assets, in which, the respondents 3 and 4 have also filed an interlocutory application in I.A.No.3 of 2024 seeking for grant of interim injunction restraining the respondents 4 to 8 therein, which includes the petitioner herein, from permitting withdrawal or disbursal of any monies from the accounts and fixed deposits in the name of the deceased in the respondents 1 and 2/ bank. Hence, he submitted that this Court may permit the petitioner to file an interlocutory application seeking disbursement of amount lying in the fixed deposit in the name of the deceased in the respondents 1 and 2/ bank and direct the trial court to dispose of the same along with the main suit filed by the respondents 3 and 4, within a reasonable time that may



W.P.No.34602 of 2025

be fixed by this Court.

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6. The learned counsel appearing for the respondents 3 and 4 submits that the respondents 3 and 4 have no objection for the said order being passed by this Court. Further, he submitted that the petitioner has already filed a petition before the Court in Tr.C.M.P.No.735 of 2025 and this Court, vide order dated 22.08.2025, disposed of the same, directing the trial court to dispose of the suit in O.S.No.3385 of 2022 on or before 31.01.2016.

7. In view of the above, this Writ Petition is disposed of with a direction to the trial court to dispose of O.S.No.3385 of 2022 along with I.A.No.3 of 2022 and the I.A., which is going to be filed by the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

12.09.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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W.P.No.34602 of 2025

M.DHANDAPANI, J.

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To

- 1.The VI Assistant City Civil Court,
Chennai.
- 2.The Branch Manager,
TNSC Bank, Periyamet Branch,
Periyamet, Chennai.
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