



Writ Petition No.30838 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 29.08.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.30838 of 2025

and

W.M.P.No.34539 of 2025

1.CK Balakrishnan
S/o.Keppiah Chettiar

2.Rajalakshmi
W/o.Srirangan

3.Saraswathy
W/o.Damodaran

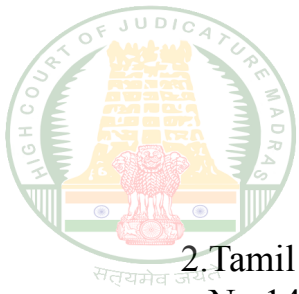
4.Parvathy
W/o.Ramachandran

5.Dhanalakshmi
W/o.Krishnamurthy

...Petitioners

Vs.

1.Tamil Nadu Mercantile Bank
Sai Towers,
Ooty Main Road,
Mettupalayam - 641 301.



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2.Tamil Nadu Mercantile Bank
No.1432, GRD Floor,
Trichy Road,
Opposite to Rainbow Menor Apartment,
Coimbatore - 641 018.

3.Tamil Nadu Mercantile Bank
No.56 & 57,
Beach Road,
Thoothukudi - 628 001.

4.Reserve Bank of India
Fort Glacis,
No.16, Rajaji Road,
Fort St.George,
Chennai - 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to release the 1/8th share along with principal and interest till date to each of the petitioners lying with the first respondent in account numbers 828393/2080, 828393/2081, 828393/2082 and SB account number 252 deposited by the petitioners' father on 21.03.2002.

For Petitioners : Mr.Karthik Ranganathan

For Respondents : Mr.Krishna Ramanujam
for M/s.Global & Legal
[R1 to R3]



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ORDER

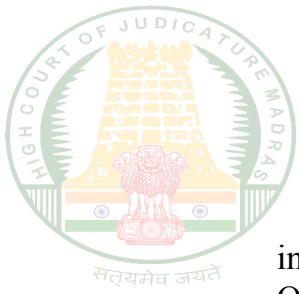
This writ petition has been filed seeking issuance of a writ of mandamus directing the first respondent to release 1/8 share in the principal and interest lying in the Savings Bank account, which was maintained by the petitioners' father.

2. Heard Mr.Karthik Ranganathan, learned counsel for petitioners and Mr.Krishna Ramanujam, learned counsel appearing for respondents 1 to 3.

3. This Court had an occasion to deal with the similar relief sought for by the petitioners as against State Bank of India in W.P.No.24698 of 2025.

This writ petition was disposed of by order dated 23.07.2025 in the following terms:

"2. The case of the petitioners is that they are the legal heirs of late Keppiah Chettiar and Ponnammal, who died intestate on 06.05.2002 and 15.02.2001 respectively. Eight children were born to them. The present writ petition has been filed by five of the legal heirs and the only dispute was raised by the brother viz., C.K.Natarajan @ Gopalakrishnan. The mother of the petitioners had a savings bank account with the first respondent bank and she has also deposited money in term deposit. The term deposit had matured long back and it has become part of the estate of the deceased. The first petitioner filed a suit in O.S.No.498 of 2009 before the III Additional District Court, Coimbatore, seeking for partition. In this suit, the fixed deposit was



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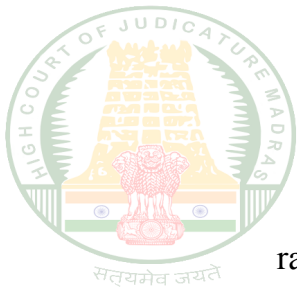
included as Schedule-D. The petitioners 2 to 5 also filed a Succession Original Petition No.145/2008 seeking for succession certificate with respect to Schedule A and B deposits including the deposit involved in the present writ petition. Apart from that, the first petitioner filed O.S.No.430 of 2011 seeking for the relief of partition with respect to another property. All these cases were taken up together and a common judgment came to be passed on 07.12.2004 by the III Additional District Judge, Coimbatore. Insofar as O.S.No.498 of 2009 is concerned, a preliminary decree was passed. Insofar as O.S.No.430 of 2011 is concerned, it was dismissed. Insofar as S.O.P.No.145 of 2008 is concerned, succession certificate was granted in favour of the petitioners 2 to 5 and they were also held to be entitled for 1/8 share in the Schedule I and II deposits.

3. The grievance of the petitioners is that in spite of the decree passed by the competent civil Court, they were not permitted to withdraw 1/8 share each. The same was resisted by the above said C.K.Natarajan. It is under these circumstances, the present writ petition came to be filed before this Court.

4. Heard Mr.Karthik Ranganathan, learned counsel for petitioner, Mr.C.Mohan, learned counsel appearing for respondents 1 to 3 and Mr.T.Poornam, Standing Counsel appearing for fourth respondent.

5. When the writ petition was taken up for hearing today, learned Standing Counsel appearing on behalf of the State Bank of India, on instructions, submitted that the said C.K.Natarajan filed an appeal before this Court in A.S.No.703 of 2025 and the same has been dismissed for default today. That apart, the deceased Ponnammal had a savings bank account in which a total sum of Rs.1,78,419/- is available. Insofar as the term deposit that stands in the name of deceased Ponnammal is concerned, a total sum of Rs.1,31,61,778/- is available. Thus, in total, the amount that stands in the name of the deceased Ponnammal is to the tune of Rs.1,33,40,197/-.

6. Learned Standing Counsel appearing for the bank submitted that the amount was not released mainly due to the objections



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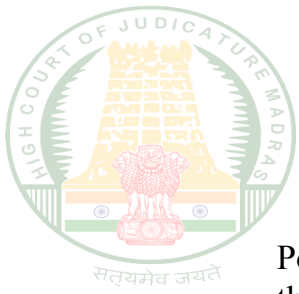
raised by the above said C.K.Natarajan and that apart, a term deposit cannot be closed partially and once the amount is sought to be withdrawn, the term deposit has to be closed completely. Therefore, it was submitted that considering these facts, any directions issued by this Court will be complied with.

7. Learned counsel for the petitioners submitted that the appeal filed by the above said C.K.Natarajan has been dismissed for default today. That apart, even during the pendency of the suit, the said C.K.Natarajan did not strongly object to releasing the claim of 1/8 share in the deposits that were held in the name of the deceased Ponnammal. To substantiate this submission, learned counsel for petitioners pointed out paragraph No.66 of the common judgment passed by the III Additional District Judge, Coimbatore. For proper appreciation, paragraph No.66 is extracted hereunder:

"66] The point for consideration in the OP is whether the petitioners are entitled the succession certificate as prayed for ?

It is already held schedule I deposit in SBI, Mettupalayam in the name of Ponnammal, mother of the parties to the petition is her property. Schedule II deposit in TMB, Mettupalayam was made by Keppaiah Chettiar the father of parties. The petitioners as legal heirs of their parents claim 1/8th share in schedule deposits. Though the 2nd respondent has objected their claim by stating that all the deposits are joint family properties later he resiled from this stand and reported that any orders may be passed at the discretion of this court. The 2nd petitioner has examined herself as PW1. The deposit receipts produced along with the petition substantiate the contention of the petitioners. And both mother Ponnammal and father Keppaiah Chettiar died is also admitted and proved by their death certificates respectively. The legal heir certificate prove that the petitioners and respondents are the legal heirs of Ponnammal, Keppaiah Chettiar. Hence, they are entitled to each 1/8 share in the schedule deposits. Hence, the petitioners are entitled to the succession certificate as prayed for."

8. The petitioners are ascertaining their eligible claim of 1/8 share in the deposits that stands in the name of the deceased



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Ponnammal in the first respondent bank. Considering the age of each of the petitioners, it will not be fair to make them run from pillar to post even to get the amount to which they are entitled as per the preliminary decree passed by the Court. This is more so since the said C.K.Natarajan did not have any objection in releasing the deposits in favour of the legal heirs, each entitled for 1/8 share. Therefore, this Court is inclined to issue appropriate directions to the first respondent."

4. The above reasoning can be applied in the case in hand.

Accordingly, this writ petition is disposed of in the following terms:

- (a) there shall be a direction to the first respondent to close the term deposits that stand in the name of the deceased Keppiah Chettiar and thereafter, the amount accumulated with interest shall be transferred to the savings bank account that stands in the name of the deceased Keppiah Chettiar. This process shall be completed by the first respondent within one (1) week from today;
- (b) out of the total amount that will be available in the savings bank account of deceased Keppiah Chettiar, each petitioner will be paid 1/8 share. This process shall be completed within a period of two (2) weeks thereafter;
- (c) Insofar as the remaining amount that will be available in the savings bank account of the deceased Keppiah Chettiar, the same shall be kept in the



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savings bank account and the first respondent bank shall issue notice to the remaining three legal heirs, who will also be entitled for 1/8 share. On receipt of the notice, if those legal heirs accept the 1/8 share, it shall be paid to them. If no claim is made and there is any objection, the amount shall lie in the savings bank account and let it accrue interest and as and when the legal heirs want to withdraw the same, it can be done.

No costs. Consequently, connected miscellaneous petition is closed.

29.08.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

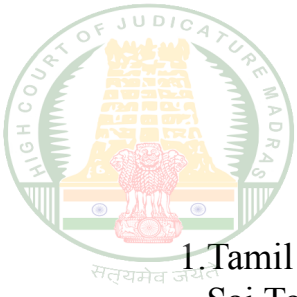
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N. ANAND VENKATESH, J.

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To

7/8



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