



W.P.No.32612 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.32612 of 2025

S.Ashwini

... Petitioner

Vs.

1.The Regional Manager,
Indian Overseas Bank,
Coimbatore Regional Office,
Coimbatore, Tamil Nadu.

2.The Senior Manager,
Indian Overseas Bank,
Singanallur Branch,
Coimbatore, Tamil Nadu.

3.B.Rajesh Kanna

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the Letter issued by the 2nd respondent dated 05.06.2025, quash the same and consequently direct the 2nd respondent to pre-close the two Fixed Deposits in FD No.094104000007298 and FD No.094104000005649 stands in the name of Minor Shanvi.S at their branch.

For Petitioner : Mr.K.Balasubramaniam

For Respondents : Mr.Rajendren Raghavan [R1 & R2]
Notice dispensed with [R3]



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ORDER

WEB COPY This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to call for the entire records pertaining to the Letter issued by the 2nd respondent dated 05.06.2025, quash the same and consequently, direct the 2nd respondent to pre-close the two Fixed Deposits in FD No.094104000007298 and FD No.094104000005649 stands in the name of Minor S.Shanvi at their branch.

2. Since no adverse order has been passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

3. Mr.Rajendra Ragavan, learned counsel, accepts notice on behalf of the respondents 1 and 2. In view of the consent expressed by the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioner is that, the marriage between the petitioner and the 3rd respondent took place on 29.08.2014 at Lakshmi Thirumana Mahal, Sarkar Samakulam, Coimbatore and out of the wedlock, a female child was born, namely Shanvi. Whiles, due to difference of opinion, the petitioner has separated from the 3rd respondent and she is living along with her minor



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daughter from 2018 onwards. Thereafter, she filed O.P.No.243 of 2020 seeking divorce and M.C.No.121 of 2021 seeking maintenance on the file of the Principal Family Court, Coimbatore and DVA No.151 of 2021 on the file of Judicial Magistrate, Special Court for Cases under Domestic Violence Act, Coimbatore. Subsequently, they entered into a memorandum of understanding on 19.04.2023 and the petitioner withdrew all the above cases and they have filed a mutual consent petition in O.P.No.755 of 2023 on the file of Principal Family Court, Coimbatore and the same was allowed vide order dated 10.08.2023. As per the MOU dated 19.04.2023, the 3rd respondent opened two fixed deposits before the 2nd respondent for a total sum of Rs.22,00,000/- in favour of the petitioner's minor daughter. In order to meet the upcoming school fees of the petitioner's minor daughter and to transfer the balance funds to a different bank which provides better interest rate, the petitioner has sent a request letter for pre-close of two fixed deposits that stands in the name of minor. The 2nd respondent, instead of pre-closing the fixed deposits, had sent a letter dated 05.06.2025 to the petitioner stating that the 3rd respondent has objected for pre-closure of the fixed deposits and advised the petitioner to obtain a document from the 3rd respondent authorizing to closure of the fixed deposits. Challenging the same, the petitioner has filed this writ petition before this Court.



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WEB COPY5. The learned counsel for the petitioner submits that the 2nd respondent has no authority to refuse pre-closure of fixed deposits as the petitioner is the nominee of the minor child in both the fixed deposits. Further, he submitted that there is no provision in the banking norms that as a nominee, the petitioner should obtain written declaration authorizing for pre-closure. Therefore, he submitted that the impugned letter issued by the 2nd respondent is liable to be quashed. Accordingly, he prays for allowing this writ petition.

6. Admittedly, the petitioner and the 3rd respondent are the parents of the minor child. Due to misunderstanding, the petitioner and the 3rd respondent are living separately and now, the minor child is under the care and custody of the petitioner. Thereafter, they have filed a petition in H.M.O.P.No.755 of 2023 on the file of the Principal Family Court, Coimbatore, seeking divorce by mutual consent and the petitioner and the 3rd respondent have entered into a memorandum of understanding dated 19.04.2023. As per the MOU, the 3rd respondent has deposited a sum of Rs.22,00,000/- under two fixed deposits in the name of the minor child and based on the said MOU, the Principal Family Court, Coimbatore has granted divorce by mutual consent. Thereafter, the petitioner has sent a request letter to the 2nd respondent for pre-closure of the



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WEB COPY said fixed deposits. Therefore, the 2nd respondent by way of the impugned letter dated 05.06.2025 refused to pre-close the fixed deposits since the 3rd respondent has made an objection to pre-close the fixed deposit and also directed the petitioner to obtain a written document from the 3rd respondent. If at all the petitioner has any grievance, she has to approach the Family Court, where the decree for divorce was passed. Without doing so, filing the present writ petition is wholly unsustainable. Hence, the prayer sought for by the petitioner cannot be granted and this writ petition is liable to be dismissed.

7. Accordingly, this Writ Petition is dismissed with a liberty to the petitioner to file appropriate application before the Principal Family Court, Coimbatore. If any application is filed by the petitioner, the Family Court shall consider the same on merits and in accordance with law and pass appropriate orders, as expeditiously as possible, after providing opportunity to the petitioner as well as the 3rd respondent. No costs.

01.09.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

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