



W.P.No.31695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 19.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31695 of 2024

M.Thilagavathy

.. Petitioner

Versus

1. The Manager,
Canara Bank,
Perambur Branch,
Madhavaram High Road,
Chennai - 600 011.

2. Manimegalai

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus to direct the 1st respondent to disburse the amount lying in petitioner's husband Muthukrishnan's account number 60012010000780 to the petitioner without insisting no objection from the 2nd respondent.

For Petitioner : Ms.R.Poornima



W.P.No.31695 of 2024

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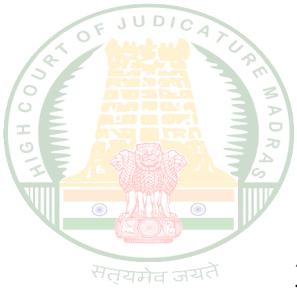
For Respondents : Mr.R.Jagadeesan, for R1

: R2 - Notice served

ORDER

This Writ Petition is filed for a Mandamus directing the respondent bank to disburse the amount lying in petitioner's husband's account to the petitioner without insisting on No Objection Certificate from the second respondent.

2. On a perusal of the papers filed along with the Writ Petition and upon hearing the learned Counsel on either side, it is clear that one *Muthukrishnan* is the account holder. He died on 09.10.2021 leaving behind his wife, *M.Thilagavathi*, the petitioner herein; one son, *Selvam* and one daughter, *M.Manimegalai*, the second respondent herein.

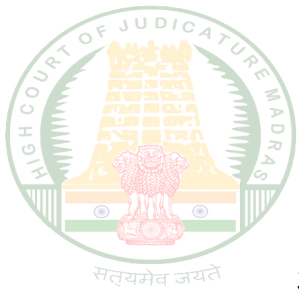


W.P.No.31695 of 2024

WEB COPY

3. When the petitioner wanted to withdraw the amount lying in the above account, the bank insisted that all the three legal heirs should jointly make an application and execute the consent letter for the petitioner to withdraw the amount. The petitioner produced the consent letter of only the son, *Selvam* and the daughter is not willing to give consent. Therefore, the petitioner has approached this Court.

4. When the matter is taken up for hearing, the learned Counsel for the bank would submit that since the daughter has not given consent, this Court can consider the claim of the petitioner, even for urgent expenses, only to the extent of 2/3rd of the amount lying, provided, even for the 2/3rd amount, the petitioner executes such letters and forms for the banking procedure. Such a course is agreeable by the learned Counsel for the petitioner. As a matter of fact, notice is served on the second respondent and the second respondent has not chosen to contest the matter.



W.P.No.31695 of 2024

WEB COPY

5. In view thereof, this Writ Petition is allowed on the following terms:-

(i) The petitioner shall make a request in the appropriate form as per the banking procedure to withdraw the 2/3rd amounts lying to the credit of the account No.60012010000780 and upon receipt of the amount, the first respondent may also intimate any other procedure to be complied with, upon which, the petitioner shall comply with the procedure;

(ii) Upon compliance, the petitioner shall be disbursed the 2/3rd amount lying in the bank account;

(iii) In respect of the balance 1/3rd amount, the parties can approach the appropriate Civil Court or if, with the consent of all the legal heirs, the parties approach the bank, the bank shall consider;

(iv) There shall be no order as to costs.

19.02.2025

Neutral Citation : no

grs

<https://www.mhc.tn.gov.in/judis>



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W.P.No.31695 of 2024



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