



W.P No.28940 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P No.28940 of 2017

and

W.M.P Nos.31165 & 31166 of 2017

1.V.S.Krishnan(deceased)
2.S.K.Jaya
3.S.K.Uma
4.S.K.Viji

...Petitioners

Vs

1.Union Bank of India
Represented by its Branch Manager
Adyar Branch
No.30, 1st Main Road
Gandhi Nagar, Adyar
Chennai-600 020.

2.R.Selvathangam
(Amendment carried out vide order
dated 26.08.2025 made in
W.M.P No.19888 of 2021)

...Respondents

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent Bank to permit the petitioners herein to operate the Joint Bank Locker Account bearing No.D5-129, with the 1st respondent Bank.

For Petitioners : Mr.R.Venkat Raman



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For R1 : Ms.Rita Chandrasekar
for M/s.Aiyar & Dolia
For R2 : No Appearance

ORDER

This writ petition has been filed, directing the first respondent bank to permit the petitioners herein to operate the Joint Bank Locker Account bearing No.D5-129, with the 1st respondent Bank.

2. Heard the learned counsel on either side and perused the material on record.

3. The case of the petitioners is that the petitioners are the legal heirs of one S.K.Maheswari. The said S.K.Maheswari and her cousin, the second respondent herein had opened a Joint Bank Locker Account with the first respondent bank on 18.09.1981. The said account holders have opted for "Either or Survivor" as the mode of operation of the said Locker. Whiles, the wife of the first petitioner and mother of the other petitioners died intestate on 19.09.2015 leaving behind the petitioners herein, as her only legal heirs. The said Locker was being operated only by late S.K.Maheswari ever since 1982 till her death. Upon realising that the said Locker has been lying dormant, ever since the date of demise of late S.K.Maheswari, the first petitioner addressed a

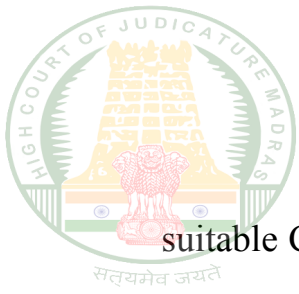


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letter on 08.05.2017 to the lone "Survivor", the second respondent herein, to her

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last known address available with the first respondent Bank, by Registered Post with Acknowledgement Due. However, there was no response and the letter was returned with an endorsement "Door Locked". Thereafter, the first petitioner through his counsel issued a public notice dated 23.05.2017, both in Tamil and English Dailies viz., "Makkal Kural" and Trinity Mirror, calling upon the second respondent to inform the lawyer if she has any manner of claim/objection over the closer of the said Locker. However, there was no response from the second respondent. Thereafter, the first petitioner had approached the first respondent Bank with a letter dated 23.05.2017, with the above public notice to permit the first petitioner to close the Locker, after permitting him to take possession of the articles stacked therein. The petitioners 2 to 4 have also provided letters containing "No Objection" to permit the first petitioner to operate the Locker and to provide necessary instruction to the 1st respondent Bank for closure of the said Locker. Despite the knowledge of all the above, the first respondent Bank did not choose to permit the petitioners herein to operate the said Joint Bank Locker Account. The petitioners had caused issuance of a legal notice dated 02.08.2017 to the 1st respondent Bank. The 1st respondent Bank sent a reply notice dated 11.08.2017, wherein the said Bank had admitted the factual position and instructed the petitioners to obtain



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suitable Court orders in this regard. Hence the present writ petition is filed with

the above said prayer.

4. The learned counsel for the petitioners would submit that admittedly, the petitioners caused a legal notice to the second respondent calling upon her to raise objection, if any. However, there was no response. Thereafter, the whereabouts of the second respondent is not known to the petitioners. However, the first respondent Bank had refused to allow the petitioners to operate the Joint Bank Locker Account, which is not a certainable one. Hence, he prays to allow this writ petition.

5. Per contra, the learned counsel appearing for the first respondent would submit that one S.K.Maheswari and her cousin, the second respondent herein had opened a Joint Bank Locker Account with the first respondent bank. As if both the persons come to the bank to operate the Joint Bank Locker Account, the first respondent bank has no objection. However, in the present case, the said S.K.Maheswari had passed away. The request made by the petitioners to operate the Joint Bank Locker Account is impermissible one in the absence of the second respondent. Further, the whereabouts of the second respondent is not known. Unless the petitioners obtained a declaration of civil



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death of the second respondent in terms of Section 108 of Indian Evidence Act

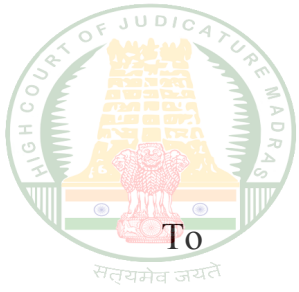
before the competent Court or competent authority along with the legal heir certificate of the second respondent before the Bank and if the legal heirs of the second respondent have no objection for operating the Joint Bank Locker account, the first respondent has no objection to operate the same. Accordingly, he prays for an appropriate direction.

6. In view of the above, this writ petition is disposed of with liberty to the petitioners to approach the first respondent Bank along with the civil death certificate and legal heir particulars of the second respondent. If the petitioners approach the bank with these documents, the first respondent shall permit the petitioners or the legal heirs of the second respondent to open a Joint Bank Locker Account. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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M.DHANDAPANI, J.
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To
The Branch Manager
Union Bank of India
Adyar Branch
No.31, 1st Main Road
andhi Nagar, Adyar
Chennai-600 020.

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