



W.P.(MD)No.9053 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.9053 of 2024

Sebasthiammal

: Petitioner

Vs.

1. The General Manager,
Indian Bank,
Karaikudi Zonal Office,
Karaikudi,
Sivagangai District - 630 557.

2. The Branch Manager,
Indian Bank,
Sarugani Branch,
Sivagangai District.

3. Arockiyamari

4. John Britto
(R3 and R4 are impleaded vide
Court Order Dated.26.062024)

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to release three fixed deposit amounts in A/c.No.7375343134, for a sum of



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Rs.2,00,000/- A/c.No.7375343509 for a sum of Rs.2,00,000/- and A/c No.7375343510, for a sum of Rs.2,00,000/- as well as Savings Accounts amount in A/c.No.7375343509 by way of Nominee, deposited by Sebasthiyan based on the petitioners representation dated 21.02.2024 within time stipulated by this Honourable Court.

For Petitioner : Mr.M.Boopathipandian

For Respondents : Mr.C.Karthik

for R1 & R2

For R3 & R4 – No appearance

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the second respondent to release three fixed deposits amount as well as the savings account amount made by one Sebasthiyan, by considering the representation of the petitioner dated 21.02.2024.

2. It is the case of the petitioner that her brother-in-law, who was an Army man, passed away on 23.01.2023 due to illness. The petitioner claims that her brother-in-law maintained three fixed deposit accounts and a savings account, in which the petitioner was named as the nominee. The petitioner further states that, due to matrimonial dispute, his brother-in-law and his wife were living separately and he had been



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living with his brother's family for the past 20 years. The grievance of the petitioner is that when she requested the bank to release the amounts in the fixed deposit accounts and the savings account, the respondent bank denied his request. In this regard, the petitioner sent a detailed representation on 21.02.2024 to the second respondent, requesting the release of the amounts. Since no response was received, the present writ petition has been filed before this Court.

3. The learned counsel appearing on behalf of the respondent bank submitted that the deceased married the third respondent in Andaman, where they lived together. Therefore, the wife of the deceased raised objections to release the fixed deposit amounts to the petitioner.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. A perusal of the records shows that the deceased and his wife had filed a divorce petition and that the petitioner herself admitted in his affidavit that she does not know about the outcome of that particular case. In such circumstances, this Court is of the considered



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opinion that when the legally wedded wife, who is considered to be a primary legal heir is alive and also considering the fact that the divorce proceedings between the deceased and his wife are pending before the concerned Court, the petitioner cannot claim the release of the fixed deposits made by the deceased. Hence, this petition lacks merits and accordingly dismissed. There shall be no order as to costs.

05.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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