



W.P.(MD)No.15372 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 15372 of 2022

K.P.Jeyakodi.

... Petitioner

Vs

1. The Regional Manager,
State Bank of India, Madurai District,
Madurai.

2. The Branch Manager,
State Bank of India,
Alanganallur Branch,
Madurai District,
Madurai.

3. Uma Maheswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the first respondent to direct the second respondent's Bank to return the deposited Title deeds and other documents relating to Plot No.31, within the time stipulated by this Court.

For petitioner : Ms.T. Lavanya.



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For respondents : Mr.S.Sukumar for R1& R2
Mr.Manianandh for R3

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner, learned counsel for the respondents 1 and 2 and learned counsel for the third respondent.

2. The petitioner, who is the father of the deceased Thiyagu, who had taken a housing loan and car loan from the second respondent/Bank, is before this Court. Both the loans have been repaid and it is also confirmed by the learned counsel for the respondents 1 and 2.

3. It is informed that the petitioner's son late.Thiyagu was married to the third respondent on 04.11.2018. It appears that the petitioner's son/husband of the third respondent died under suspicious circumstances on 24.01.2019. The housing loan was obtained as early as on 08.05.2015 when the petitioner's son late.Thiyagu was a bachelor. The amounts lying in the account of the petitioner's son was appropriated and as on date, there are no dues in respect of the house property.



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4. The specific case of the petitioner is that the petitioner's wife, Murugeswari was the nominated person by the petitioner's deceased son, Thiyagu.

5. The learned counsel for the petitioner submits that the third respondent has shifted out of India and she is currently settled in Singapore as also contracted second marriage, after the death of the petitioner's son on 24.01.2019.

6. It is noticed that a partition suit is also pending before the V Additional District Court, Madurai in O.S.No.294 of 2020 at the behest of the third respondent against the petitioner's wife, who is class-I heir alongwith the third respondent under the Legal Heir Certificate, dated 05.03.2020.

7. The learned counsel for the petitioner has placed a reliance on the decision of this Court rendered in *J.Praveen vs. The Regional Manager, Tamilnad Mercantile Bank Limited, Tuticorin*, in W.P.(MD) No.10500 of 2021, dated 01.07.2021, wherein this Court has categorically held as under:

"4.In the considered view of this Court, the respondent bank has to necessarily hand over the money lying in the fixed deposits only in favour of the



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nominee. This position of law is now well settled. If any one else has any share on the property, the nominee is expected to hand over the share to the other sharers. If the nominee refuses to hand over the property, the other sharers who are entitled to the property, will have to work out their remedy only before a competent civil court. The respondent bank cannot decide the inter-se rights between the petitioner and respondents 4 to 6.

5.In view of the above, there shall be a direction to the respondent bank to hand over the amount lying in the fixed deposit in favour of the nominee appointed by the deceased Kamarajan after getting necessary indemnity bond. If the legal heirs claim a share in the property, they have to work out their remedy against the nominee, who refuses the money, only before a competent Civil Court.

6.This writ petition is disposed of with the above directions. No costs."

8. The third respondent objects the Writ Petition stating that the petitioner is neither class-I heir nor a nominee of the account and therefore, the Writ Petition is liable to be dismissed.

9. The learned counsel for the third respondent, further, submits that apart from the suit filed for partition in O.S.No.294 of 2020, a Succession O.P is also pending in S.O.P.No.87 of 2020, on the file of the Principal District Court, Madurai, under Section 372 of the Indian Succession Act, 1925, in respect of other assets of the deceased husband of the third respondent/son of the petitioner, at the behest of the third respondent.



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10. I have considered the arguments advanced by the learned counsel petitioner, learned counsel for the respondents 1 and 2 and learned counsel for the third respondent.

11. Challenge on the *locus standi* of the petitioner to file the present Writ Petition on the ground that the petitioner was neither a nominee nor a legal heir of the deceased, cannot be countenanced. Even if the petitioner was not a nominee in the account maintained by the deceased son of the petitioner, in view of the Section 120 of the Indian Evidence Act, 1872, (presently Section 126 of Bharatiya Sakshya Adhiniyam, 2023, husband can represent his wife in legal proceedings.

12. That apart, as was submitted by the learned counsel for the petitioner, the petitioner is indeed a nominee in the account that was opened by the petitioner's deceased son Thiyaagu, who committed suicide on 24.01.2019. If at all, the third respondent may have a right or share in the property that was purchased way back in 2015 by taking loan from the second respondent/Bank as early as 08.05.2015. The rights of the third respondent over the movable property is subject matter of



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S.O.P.No.87 of 2010 pending before the Principal District Court at Madurai and in
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the partition suit in O.S.No.294 of 2020 pending on the file of the V Additional
District Court, Madurai.

13. Considering the same, there shall be a direction to the second respondent to hand over the title deed of the property to the petitioner. However, there shall be an embargo on the petitioner and his wife from alienating or encumbering the property pending further orders/Judgment and decree in S.O.P.No.87 of 2020 and O.S.No.294 of 2020 filed by the third respondent.

14. Since the Court is inclined to protect the interest of the petitioner as well as the third respondent, the Registry is directed to send a copy of this order to the jurisdictional Sub Registrar to register a charge over the property, so that the property will not be encumbered during the pendency of the above mentioned proceedings initiated at the behest of the third respondent.

15. It is made clear that in case the third respondent has contracted the second marriage, the third respondent shall no rights over the property, in which case the



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charge created over the property shall be cancelled leaving it is open for the
petitioner and his wife to deal with the property in the manner known to law. 16.

This Writ Petition is disposed of, with the above observations. No costs.

(*)Amended as per order of this Court dated 30.07.2025.

Sd/-(16.07.2025)

// True Copy //

Assistant Registrar(CS II)

/ /2025

Sub Assistant Registrars CS (I/II/III/IV)

apd

To

1. The Regional Manager,
State Bank of India, Madurai District,
Madurai.

2. The Branch Manager,
State Bank of India,
Alanganallur Branch,
Madurai District,
Madurai.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-43806[F] dated 17/07/2025)

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-44254[F] dated 18/07/2025)

JJ/07.08.2025 7P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023