



W.P.(MD) No.18713 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.18713 of 2025

Cancer Institute (WIA),
rep by its Associate Director,
Dr.R.Swaminathan

... Petitioner

/vs./

1.Indian Overseas Bank,
rep by its General Manager,
Central Office 763, Anna Salai,
Chennai 600 002.

2.Indian Overseas Bank,
rep by its General Manager,
Jamal Mohamed College Branch,
Tiruchirappalli 620 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records of the order dated 12.03.2025 issued by the 2nd respondent and quash the same and direct the 2nd respondent to release the funds available with the 2nd respondent in the bank accounts/fixed deposits of Late Mrs.Suganthavalli.



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For Petitioner : Mr.T.Mohan Senior Counsel for
Mr.K.R.Arun Shabari

For Respondents : Mr.C.Deepak

ORDER

Mr.C.Deepak, learned counsel takes notice for the respondents.

Challenging the order dated 12.03.2025 passed by the second respondent and for a consequential direction to the second respondent to release the funds available with the second respondent in the bank accounts/fixed deposits of Late Mrs.Suganthavalli, the present writ petition has been filed.

3.The petitioner is a registered Society under the provisions of the Tamil Nadu Societies Registration Act, 1975. The petitioner Institution provides medical services to terminal cancer patients in Adayar and is having outreach centres in the State. The petitioner is a beneficiary (legatee) under a registered Will, dated 21.05.2007 registered as Doc.No.22/3/2007 executed by the testator, late.Mrs.Suganthavalli, W/o.Late.Mr.R.Krishnan, who predeceased her.



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4.As per the aforesaid Will, the petitioner is entitled to receive the amounts lying with the respondent bank coupled with certain obligations to be performed by the petitioner. Since the testator died on 21.07.2024, the petitioner has approached the respondent bank during the month of March, when they were informed that there was incorrect nomination.

5.However, by the impugned communication, dated 12.03.2025, the petitioner has been informed that the nomination itself is incorrect and hence, they requested the petitioner to approach with relevant documents regarding the death of the testator, namely, Mrs.Suganthavalli, W/o.Late.Mr.R.Krishnan and to follow the appropriate legal procedures.

6.There cannot be any obstructions to the transfer of the funds pursuant to the Will executed by the testator, late.Mrs.Suganthavalli, W/o.Late.Mr.R.Krishnan. The testator has also appointed executors to carry out the obligations under the Will.



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7.Considering the same, there shall be a direction to the respondents to release the amounts lying in the credit of late.Testator/Mrs.Suganthavalli, W/o.Late.Mr.R.Ganesan to the accounts/Fixed deposits, if any, after obtaining necessary indemnity bond from the petitioner subject to any pre-existent charge of the Bank over the assets of the testator, namely, Mrs.Suganthavalli, W/o.Late.Mr.R.Krishnan together with interest from the due date till the date of payment. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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