



W.P.(MD)No.25658 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.25658 of 2024

Muthulakshmi

: Petitioner

Vs.

1. The Regional Manager,
Tamil Nadu Grama Bank,
Regional Office, Tuticorin.

2. The Branch Manager,
Tamil Nadu Grama Bank,
Ramanathapuram Branch,
Ramanathapuram District.

3. Pastor. Kribakaran

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No. 2 to permit the petitioner to withdraw sum of Rupees 3,45,011/- from the Account No. 10064657923 that was maintained by the petitioners brother M. Joseph Moses Pastor within the time stipulated by this Honourable Court.

For Petitioners : Mr.S.Malaikani

For Respondents : Mr.N.Dilip Kumar

Standing Counsel for R1 and R2



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Mr.S.Viswalingam for R3

ORDER

The petitioner has filed this Writ Petition directing the second respondent to permit the petitioner to withdraw a sum of Rs. 3,45,011/- from the account of his brother.

2. The petitioner's case is that her brother maintained an account in which her name was mentioned as nominee. Since petitioner's brother passed away on 13.01.2024, she approached the concerned bank to withdraw the amount of Rs. 3,45,011/- lying in the bank account of his deceased brother. However, the respondent bank refused to release the amount, citing an objection raised by the third respondent, who submitted an unregistered Will allegedly executed by the deceased brother. The Will stated that the amount should not be handed over to the petitioner. Aggrieved by this, the petitioner has filed the present writ petition.

3. Mr.N.Dilip Kumar, the learned Standing Counsel appearing on behalf of the respondents 1 and 2 submitted that already a



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civil suit is pending under Section 372 of the Indian Succession Act in S.O.P.No.88 of 2024 between the parties. Accordingly, he prays for dismissal of this writ petition.

4. Heard the learned counsel for the parties.

5. In the present case, the issue involved in this writ petition is of civil nature and a civil suit between the petitioner and the third respondent is already pending in S.O.P.No.88 of 2024 before the learned Principal District Judge, Ramanathapuram. It is for the petitioner to approach the competent civil court to seek redressal of her grievance. Therefore, the prayer sought for by the petitioner cannot be granted.

6. Accordingly, this writ petition is dismissed with a liberty to the petitioner to workout the remedy in the manner known to law. There shall be no order as to costs.

13.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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