



W.A(MD)No.2275 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2275 of 2024
and
C.M.P(MD)No.15941 of 2024**

Sundaravalli

... Appellant /
4th Respondent

Vs.

- 1.M/s.Indian Overseas Bank,
Represented by its Regional Manager,
Regional Office,
Plot No.40, 80 Feet Road,
Arignar Anna Nagar,
Madurai – 625 020.
- 2.Indian Overseas Bank,
Represented by its Chief Manager,
No.310, B6 and B7 Sunder Complex 1st Floor,
Tiruchuli Road,
Aruppukottai – 626 101.
- 3.Indian Overseas Bank,
Represented by its Chief Manager,
203, Triplicane High Road,
Next to Triplicane Post Office,
Triplicane, Chennai – 600 005.

... Respondents 1 to 3 /
Respondents 1 to 3



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4.P.J.Lakshmi

5.P.S.Venkataramanan

... Respondents 4 & 5 /
Petitioners 1 & 2

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 25.07.2024 passed in W.P(MD)No.23739 of 2019 on the file of this Hon'ble single Bench of this Court and thereby allow this Appeal by dismissing the above writ petition as prayed for.

For Appellant : Mr.R.Rajesh

For Respondents : Mr.N.Dilip Kumar
for R.1 to R.3

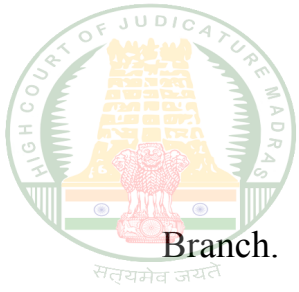
Mr.Vijayakumar
Senior Counsel
for Mr.M.Kumar
for R.4 & R.5

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.This Writ Appeal is directed against the order dated 25.07.2024 allowing W.P(MD)No.23739 of 2019 filed by the respondents 4 and 5 herein. The case on hand pertains to disbursement of the moneys standing in the savings bank account of Late.V.Krishnan in Indian Overseas Bank, Triplicane



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Branch. The fourth respondent herein, namely, P.J.Lakshmi asserts that she got married to Krishnan and through the wedlock the fifth respondent, namely, P.S.Venkataramanan was born. It is also seen that the jurisdictional Tahsildar has issued legal heir certificate recognising their status. The appellant herein, namely, Sundaravalli who is the sister of Krishnan filed W.P(MD)No.7018 of 2021 questioning the legal heir certificate. The Writ Petition was dismissed vide order dated 22.03.2024. Questioning the same, Sundaravalli filed W.A(MD)No.1020 of 2024. The Writ Appeal was dismissed vide order 18.06.2024 in the following terms:

“11.However, the learned counsel for the appellant would submit that even if the appellant approaches the civil Court to seek declaratory decree as directed by the learned Single Judge in the order impugned, the civil Court cannot be influenced by any of the finding that has been given by the learned Single Judge in the order impugned. Therefore, if that is ensured, the appellant would approach the civil Court for appropriate remedy.

12.In view of the said submission made by the learned counsel for the appellant, this Court is inclined to pass the following order:-

“(i)that the order passed by the learned Single Judge dated 22.03.2024, which is impugned herein, is sustained and therefore, this Writ Appeal fails;



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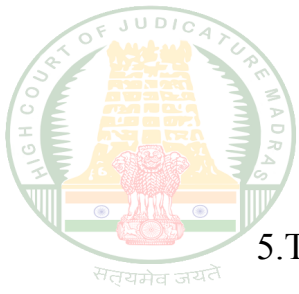
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(ii)As directed by the learned Single Judge, it is open to the appellant to approach the civil Court to seek appropriate remedy; and

(iii)If any such attempt is made, where the civil suit is filed, the same shall be tried and decided by the civil Court on merits and in accordance with law, based on the evidence let in by both sides, where the finding that has been given by the learned Single Judge in the order impugned, shall not stand in the way. ””

3.It is seen that availing the liberty granted by the Hon'ble Division Bench, the appellant herein has instituted O.S.No.103 of 2024 on the file of Principal District Munsif Court, Aruppukottai seeking declaration that she is the sole legal heir of her deceased brother. In the said suit, the respondents 4 and 5 herein, who are the writ petitioners, have also filed an Interlocutory Application seeking rejection of plaint, which is stated to be pending.

4.In the meanwhile, the respondents 4 and 5 had filed W.P(MD)No.23739 of 2019 for directing the bank to pay the amount lying in Velu's account to them. The writ petition was allowed by the learned single Judge vide order dated 25.07.2024 after an elaborate discussion of the relevant facts.



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5.Two questions that calls for consideration are:

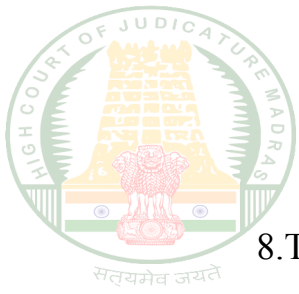
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a) Whether the order of the learned single Judge is justified

b) Whether any equitable order has to be passed considering the facts and circumstances of this case.

6.The learned Standing Counsel for the bank submits that Krishnan passed away on 06.04.2019. It is not in dispute that the nominations stood in the name of the appellant Sundaravalli. Therefore, the entire amount lying in Krishnan's bank account was transferred to Sundaravalli's account on 21.06.2019.

7.The bank cannot be faulted for having disbursed the money in terms of the nomination. It is true that a legal heir certificate has been issued in favour of the writ petitioners, and that the appellant herein was unsuccessful in getting the same set aside in writ proceedings. However, it is also a fact that both the Hon'ble Division Bench as well as the learned single Judge granted liberty to the appellant to file a civil suit in this regard. Availing the said liberty, a civil suit has been filed. It is only just and proper that the writ petitioners await the outcome of the suit.



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8.The learned Senior Counsel for the writ petitioners states that the fourth respondent is suffering from cancer and that she requires some emergent relief.

9.Considering the same, we direct the Principal District Munsif, Aruppukottai to dispose of O.S.No.103 of 2024 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. Registry is directed to intimate this direction to the learned Principal District Munsif, Aruppukottai for compliance. We make it clear that request for extension of time will not be entertained. The learned counsel for the appellant states that the plaintiff would extend her fullest co-operation for the speedy and expeditious disposal of the suit. She has to adhere to the aforesaid time frame. When the bank had acted as per the statutory provisions, the learned single Judge could not have faulted the bank or issued any direction to the bank.

10.As rightly pointed out by the learned Senior Counsel for the writ petitioners, the appellant is only a nominee. A nominee holds the position of a trustee. She cannot appropriate whatever was transferred to her account. Only if she succeeds in the civil suit and proves that she is the only legal heir of Late.Krishnan, then and then alone she can appropriate the proceeds and not till then.



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11. Considering the special facts and circumstances, we direct that the amount lying in the account of Sundaravalli to the extent of Rs.10,00,000/- (Rupees Ten Lakhs Only) (Deposit No.0400004909, IOB, Aruppukottai) shall continue to remain frozen and disbursement of the said amount will abide by the outcome of the civil suit. We have not gone into the merits of the matter between the appellant on the one hand and the writ petitioners on the other. The order passed by the learned single Judge is set aside.

12. This Writ Appeal is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
23.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

Note: 1) Registry is directed to mark a copy of this order to the Principal District Munsif, Aruppukottai.

2) Registry is directed to intimate this direction to the learned Principal District Munsif, Aruppukottai for compliance.



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To
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- 1.The Regional Manager,
M/s.Indian Overseas Bank,
Regional Office,
Plot No.40, 80 Feet Road,
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Madurai – 625 020.
- 2.The Chief Manager,
Indian Overseas Bank,
No.310, B6 and B7 Sunder Complex 1st Floor,
Tiruchuli Road,
Aruppukottai – 626 101.
- 3.The Chief Manager,
Indian Overseas Bank,
203, Triplicane High Road,
Next to Triplicane Post Office,
Triplicane, Chennai – 600 005.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

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