



*W.P.(MD)No.28641 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 25.02.2025**

**CORAM:**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.(MD)No.28641 of 2024**

S.Thangavel

: Petitioner

Vs.

1. The Branch Manager,  
State Bank of India,  
Church Road,  
Ramanathapuram Town,  
Ramanathapuram District.

2. The Managing Director,  
Paramakudi Cooperative Urban Bank  
Limited,  
No.2/378, M.S.Agraharam,  
Paramakudi Town,  
Ramanathapuram  
District.  
(R2 is substituted vide  
Court order dated 06.01.2025)

3. T.Mahalakshmi

4. Vinoth Kanna

: Respondents



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**PRAYER:** Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to disburse 1/3<sup>rd</sup> of the amount from Rs.5,26,631/- and Rs.42,73,521/- respectively to the petitioner within time stipulated by this Honourable Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.G.Radhakrishnan for R1

Mr.M.Ganesan for R2

Mr.P.T.Ramesh Raja for R3

Mr.K.A.Nandagopan for R4

### **ORDER**

This Writ Petition has been filed for a Writ of Mandamus, directing the respondents 1 and 2 to disburse 1/3<sup>rd</sup> of the amount from Rs. 5,26,631/- and Rs.42,73,521/- respectively to the petitioner.

2. Short facts shorn of elaboration, are that the petitioner's wife, M. Yogamalar, worked as a District Registrar in the Registration Department and passed away on 27.07.2020, leaving behind the petitioner, a daughter and a son. The petitioner's wife had a savings account in the second respondent bank, from which a sum of Rs. 17,60,000/- was withdrawn for her daughter/third respondent's marriage.



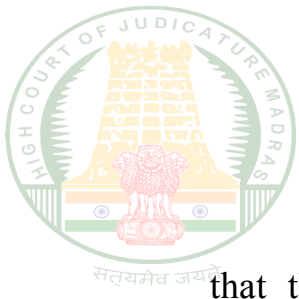
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After this, a sum of Rs. 5,26,631/- remained in the account. Additionally, the deceased wife maintained 19 fixed deposit accounts totalling Rs. 42,73,521/-. In the said savings account, the deceased wife nominated her daughter (the third respondent) as the nominee. The grievance of the petitioner is that the third respondent/daughter has refused to share the said amount with either the petitioner or the petitioner's son.

3. The main contention of the petitioner is that in a similar case in W.P.(MD) No. 21605 of 2021, this Court held that a person shown as a nominee is only in the position of a trustee. Therefore, the petitioner contends that merely because the third respondent is shown as the nominee, it does not mean that she can appropriate the amount. The nominee is required to receive the amount from the bank and then distribute it among the legal heirs. The learned counsel, therefore, submits that the said order is squarely applicable to the present case.

4. The learned counsel for the third respondent submitted that the petitioner is receiving a pension and has also acquired properties in his name. Furthermore, the fourth respondent is claiming entitlement for an appointment on compassionate grounds. Therefore, it was argued



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that the amounts lying in the bank should not be allocated to the petitioner and the fourth respondent.

5. The learned counsel for the fourth respondent brought to the notice of the Court that since the mother of the fourth respondent passed away while in service, the fourth respondent has applied for appointment on compassionate grounds. In this regard, it is necessary for the third respondent to provide a “No Objection certificate” to the fourth respondent in order to facilitate the claim of the fourth respondent for the said appointment.

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

7. When the matter came up for hearing on 18.02.2025, the learned counsel appearing on behalf of respondents 3 and 4 submitted that the matter had already been placed before the Mediation and Conciliation Centre attached to this Court. However, the mediation attempt failed and no compromise was reached between the parties.



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8. Therefore, considering the facts and circumstances of the case, this Court directed the petitioner and the respondents 3 and 4 to be present before this Court. Today, the petitioner along with the respondents 3 and 4, appeared in person before this Court.

9. Today, when the matter was taken up for hearing, after due deliberation and efforts made by this Court, the parties have amicably settled the issue. Accordingly, the distribution of the amount lying in the savings account and fixed deposit accounts of the deceased Yogamalar has been agreed upon as follows:

- 60% of the total amount shall be allocated to the daughter (third respondent) ;
- 20% of the total amount shall be allocated to the petitioner (husband) ;
- 20% of the total amount shall be allocated to the son (fourth respondent) ;
- since the wife of the petitioner passed away while in service, the fourth respondent has applied for an appointment on compassionate grounds. In order to



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facilitate the claim for this appointment, the third respondent (daughter) shall provide a “No Objection certificate” to the fourth respondent (son) and ;

- it is hereby made clear that the distribution of the amounts lying in the savings account and fixed deposit accounts of the deceased Yogamalar, as agreed upon by the parties, is binding. In the event that any of the parties violate or fail to comply with the terms of this agreement, it is always left open to the parties to raise all the grounds before the competent Court, in accordance with law.

10. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

**25.02.2025**

Index : Yes / No

Internet : Yes / No

PKN



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**VIVEK KUMAR SINGH, J.**

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