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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.68 of 2022

Parvathi

... Petitioner

vs.

1. The Zonal Manager,
Indian Bank,
Royapettah,
Chennai 600 014.
2. The Branch Manager,
Indian Bank,
Kallakurichi Branch,
Kallakurichi,
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents either to deposit the value of the nine sovereigns of jewels in their Bank in the name of the minor children viz. Sanjai and Viswa, sons of Late Jayaraman and Kasiyammal (Guardian Parvathi) and disburse the interest to the minor children in every month or return back nine sovereigns of jewels to the minor children.

For Petitioners : Mr.C.Prakasam

For Respondents : Ms.S.R.Sumathy

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents either to deposit the value of the nine sovereigns of jewels in their Bank in the name of the minor children viz. Sanjai and Viswa, sons of Late Jayaraman and Kasiyammal, and disburse the interest to the minor children every month or return back nine sovereigns of jewels to the minor children.

2. It is stated by the Petitioner that, her son viz. Jayaraman married one Kasiyammal and through the wedlock, they



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have two male children, aged 5 and 3 years. As both her son and daughter-in-law committed suicide, the Petitioner is taking care of the two minor children, by doing coolie work. It is further stated by the Petitioner that, when her daughter-in-law was alive, she mortgaged her nine sovereigns jewels with the Respondent Bank for construction of house. But, she could not construct the house and in the meantime, she committed suicide. However, considering the pitiable situation of the Petitioner's family, the Village people came forward to settle the loan amount with the Respondent Bank and they repaid the entire loan amount with the Respondent Bank with a request to redeem the jewels to the Petitioner. Even after receiving the principal amount and the entire interest, as the Respondent Bank is not inclined to return the jewels, the Petitioner made a representation dated 16.11.2021 to the Respondent Bank requesting them to deposit the value of nine sovereigns of gold jewellery in the name of the minor children, as she has no other source of income to feed the children. As no orders are passed on her representation, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

3. Learned counsel for the Petitioner submitted that, a direction may be issued to the Respondent Bank to consider the Petitioner's case and return the gold jewellery to her or deposit the value of the gold jewellery in the names of the Petitioner's minor grand-children.

4. Learned Standing Counsel appearing for the Respondent Bank submitted that, the Petitioner may be directed to send a copy of the representation dated 16.11.2021 along with a copy of her Aadhar Card, Ration Card and Legal Heir Certificate to the Respondent Bank to enable them to return the gold jewellery to her, within a stipulated period.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs the Petitioner to send a copy of the representation dated 16.11.2021 along with a copy of her Aadhar Card, Ration Card and Legal Heir Certificate to the Respondent Bank within a period of two weeks from the date of receipt of a copy of this order and execute an Indemnity Bond in favour of the Respondent Bank. On receipt of the same, the Respondent/Bank shall consider the case of the Petitioner in accordance with law and return the gold jewellery to the Petitioner or deposit the value of the gold jewellery in the names of the Petitioner's minor grand-children, within a period of one week.



The Writ Petition is disposed of with the above direction.
No costs.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

- 1.The Zonal Manager,
Indian Bank,
Royapettah,
Chennai 600 014.
- 2.The Branch Manager,
Indian Bank,
Kallakurichi Branch,
Kallakurichi,
Kallakurichi District.

W.P.No.68 of 2022

PCH (CO)
PR (07/02/2022)