

**HIGH COURT OF TRIPURA
AGARTALA
WP(C)No.216 of 2023**

Shri Uttam Debbarma @ Kamili Debbarma

.....Petitioner(s)

Versus

The Tripura Gramin Bank and Another

.....Respondent(s)

For Petitioner(s) : Mr. M. Debbarma, Adv.

For Respondent(s) : Mr. P. Saha, Adv.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

19.04.2023

Heard Mr. M. Debbarma, learned counsel appearing for the petitioner as well as Mr. P. Saha, learned counsel appearing for the respondents.

2. The brief fact of the case is that the mother of the petitioner namely Kiran Bala Debbarma was expired on 14.11.2021 who have an Saving Bank Account in the Durganagar TGB Branch under the respondent No.2, The Branch Manager, Tripura Gramin Bank with a balance of Rs.1,56,472/- as on 10.07.2022.

3. The counsel appearing for the petitioner has submitted that the petitioner herein is the only surviving son of his deceased mother who died on 14.11.2021. Father of the petitioner was a Group-D employee under ARD Department, Government of Tripura who has also expired on 29.09.2014.

Thereafter, the petitioner got the compassionate appointment under the Die-in-Harness Scheme of the State Government. After death of his father, only the petitioner and his mother were the surviving members of the family and after death of his mother, the petitioner is only the surviving member in the family.

4. According to the petitioner, after death of his mother, on several occasions he has appeared before the bank of the respondent No.2, claiming for releasing the balance amount lying with the Bank in his favour which the amount was deposited by his deceased mother during her life time. But the respondent No.2 expressed his incapability for releasing the balance amount in his favour on the ground that the name of the nominee in the bank account of the deceased mother of the petitioner is different name as Kamili Debbarma, but the name of the claimant is Uttam Debbarma, the petitioner herein.

5. The petitioner has also submitted the affidavit of identity along with Letter of Indemnity without production of Letters of Administration or a Succession Certificate to her estate. Accordingly, the petitioner has submitted an application dated 22.08.2022 along with affidavit of identity, Letter of Indemnity without production of Letters of Administration or a Succession Certificate to her estate to the respondent No.2 along with a copy of the respondent No.1 through registered postal service on 22.08.2022 and delivered the same to the respondents.

According to the petitioner, despite repeated request in their Office, the respondents with malafide intention have decided not to release the balance amount lying with their bank.

6. Finding no other alternative, the petitioner served the advocate notice dated 18.01.2023 through a counsel with registered post to both the respondents but no positive result has yielded.

7. On the other hand, the counsel appearing for the respondents has expressed his incapability of releasing the balance amount in favour of the petitioner on the ground that the name of the nominee in the bank account of the deceased mother of the petitioner is different name as Kamili Debbarma, but the name of the claimant is Uttam Debbarma, the petitioner herein.

8. Having heard both sides this court directed the respondents to consider the legal notice dated 18.01.2023 served upon them by the petitioner within a period of one month from the date of receipt of a copy of this court and decide the same in accordance with law. This order is passed without expressing any opinion on merits of the case.

In terms of the above, the present writ petition is disposed of.

JUDGE