

Court No. - 40

Case :- WRIT - C No. - 36608 of 2023

Petitioner :- Smt. Saroj Malviya

Respondent :- The Canara Bank And Another

Counsel for Petitioner :- Sudeep Dwivedi

Counsel for Respondent :- Krishna Mohan Asthana

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri K.M.Asthana, learned counsel for the respondent-Bank.
2. The present writ petition was entertained on 1.11.2023 and this Court has asked Sri Asthana to obtain instructions with following observations.

"1. Heard Sri Sudeep Dwivedi, learned counsel for the petitioner and Sri Krishna Mohan Asthana, learned counsel for the respondent-bank.

2. The petitioner is an old widow lady. It is claimed that instead of maturity of FDR No.852642 of Rs.50,000/- till date the respondent-bank has not released the maturity amount in the petitioner's account. Learned counsel for the petitioner submits that one of the petitioner's relative was impleaded in a criminal case in the year 2010. It was registered as Sessions Trial No.34 of 2010 (State vs. Anoop Malviya @ Tiger). In the said proceedings, petitioner's FDR No.852642 amounting Rs.50,000/- was furnished as a security. Learned counsel for the petitioner submits that as the accused was convicted in the said criminal case, vide order dated 11.7.2017, the aforesaid security was discharged by the concerned Court. In this backdrop, learned counsel for the petitioner submits that inspite of said discharge order being passed way back in the year 2017, till date the respondent-bank has not permitted the petitioner to encash the amount in question.

3. Before proceeding further in the matter, we direct Sri Asthana, learned counsel appearing for the respondent-bank, to obtain instructions.

4. Put up this matter again on 20.11.2023 as fresh. "

3. Thereafter on 20.11.2023, the coordinate Bench has proceeded to pass the following order.

"In view of the dispute being raised by the parties, as to existence or otherwise of the original Fixed Deposit Receipts, let that be produced in original before the Court on the next date.

Put up this case on 28th November, 2023 as fresh before appropriate Bench."

4. Today, Sri Asthana states that in response to the aforesaid order, petitioner has not submitted the original FDR before the Branch Manager concerned till date. He further submits that in case, the same is produced before the Branch Manager, definitely, the amount in question shall be released after verification of the documents. Even though, the original FDR is placed before the Court today.

5. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration and on consent, the writ petition stands ***disposed of*** directing the petitioner to appear before the Branch Manager concerned on tomorrow at 11 A.M. along with original FDR and a copy of this order. Thereafter, the amount in question shall also be released in favour of the petitioner forthwith, in case, there is no other impediment.

Order Date :- 28.11.2023

A.K.Srivastava