

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
IA No.01 of 2020 IN CRP No.43 of 2010 (D/O)

Smt. Uma Bhattacharjee and others

.....Applicant(s)

V E R S U S

Sri Achintya Ranjan Bhattacharjee & others

.....Respondent(s)

For Applicant(s)	:	Mr. T.K. Deb, Advocate.
For Respondent(s)	:	None.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

ORDER

16/10/2020

This interim application arises in unusual circumstances. For disposing of the same I am taking slightly unusual steps.

Applicant is the son and claims to be the sole legal heir of deceased Ranu Bhattacharjee who died on 16th June, 2014. A litigation concerning the petitioner's mother and her family members had reached the High Court in CRP No.43 of 2010 which was disposed of by the Single Judge by a judgment dated 12.02.2015. Following portion of the order may be noted.

“13. Therefore exercising powers vested in this Court under Article 227 of the Constitution of India, I feel that an end can be brought to this entire unfortunate litigation between the close family members by giving the following directions to protect the interest of all the legal heirs and ensuring that all the legal heirs get the money without any

unnecessary delay:- i) The Branch Manager, United Bank of India, Ramnagar Branch, Agartala as well as the Branch Manager, United Bank of India, Battala, Agartala are directed to remit the entire amount due on account of savings bank account No. 8606 and 834282 along with interest accrued thereupon in the Registry of this Court within one month from today. (ii) Thereafter, the Registrar General will ensure that the money payable to each of the heirs as per their respective shares mentioned hereinabove is transmitted directly to the bank account of each of the heirs on their furnishing details of the bank account along with first page of the copy of the pass book in the Registry of this Court within one month from today”

While implementing this order the Registrar(Vigilance) of this Court passed a detailed order on 23.06.2015 in which he noticed that Ranu Bhattacharjee had already died on 16.06.2014 i.e. before the High Court delivered the judgment on 12.02.2015. The Registrar(Vigilance) was therefore of the opinion that without further orders from the High Court the amount which falls in the share of Ranu Bhattacharjee cannot be disbursed in favour of any other person. In this very order the Registrar(Vigilance) recorded that as per the computation the share of Ranu Bhattacharjee comes to Rs.71,218/-. सत्यमेव जयते

Learned counsel for the applicant submitted that the applicant is an illiterate person. He had met with an accident for which he was bed ridden for a long time. He has produced the death certificate of his mother and also the survival certificate dated 17th July, 2014 issued by the Sub-Divisional Magistrate, Sadar, West Tripura which shows that he is the sole

survival heir of the deceased Ranu Bhattacharjee, her husband having passed away earlier and the lady not having any other children. Considering the facts that it is an old issue which has dragged on for years together, that the amount involved is quite small and lastly even the Registrar(Vigilance) had noted in his order dated 23.06.2015 that Ranu Bhattacharjee had expired and the applicant who is the son of the deceased, claimed to be the sole legal heir, it would be appropriate to release the sum in favour of the applicant. However, he would file an undertaking before the Registry assuring that in case in future any other person claims a right over the said amount or part thereof, he would refund the same with interest at such rates as may be directed by the Court.

Under the circumstances the Registrar(Vigilance) shall release the said sum of Rs. 71,218/- with accrued interest, if any, in favour of the petitioner through account payee cheque upon his filing an undertaking as mentioned above.

Application is disposed of accordingly.

(AKIL KURESHI), CJ