

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 29027 of 2015 (C)

PETITIONER : -

USHA JAYADEVAKUMAR,
W/o JAYADEVAKUMAR,
TRICHAMPULLY HOUSE,
CHEMBUKAVU VILLAGE,
THRISSUR TALUK, (PO) CHEMBUKAVU,
THRISSUR DISTRICT.

BY ADV.SRI.P.BHASKARAN

RESPONDENTS : -

1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
CIVIL LINES, AYYANTHOLE, THRISSUR - 3.
2. WADAKKANCHERY BLOCK MULTIPURPOSE CO-OPERATIVE
SOCIETY LTD., No.R 1125, (PO) WADAKKANCHERY,
THRISSUR DISTRICT, PIN - 680 582.

R2 BY ADV.SRI.P.N.MOHANAN

R1 BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

EXHIBIT P1 : COPY OF THE STATEMENT OF ACCOUNT OF MONTHLY DEPOSIT SCHEME IN THE NAME OF Mr. JAYADEVAKUMAR, THE DECEASED HUSBAND OF THE PETITIONER.

EXHIBIT P2 : COPY OF THE STATEMENT OF ACCOUNT OF MONTHLY DEPOSIT SCHEME IN THE NAME OF THE PETITIONER.

EXHIBIT P3 : COPY OF THE STATEMENT OF ACCOUNT OF MONTHLY DEPOSIT SCHEME IN THE NAME OF Mr. AKHIL GOPAL, THE SON OF THE PETITIONER.

EXHIBIT P4 : COPY OF THE STATEMENT ISSUED BY THE 2nd RESPONDENT DATED 20.8.2015.

EXHIBIT P5 : COPIES OF THE RECEIPTS DATED 18.4.2015 ISSUED BY 2nd RESPONDENT IN THE NAME OF AKHIL GOPAL SON OF THE PETITIONER.

EXHIBIT P6 : COPIES OF RECEIPTS DATED 18.4.2015 ISSUED BY 2nd RESPONDENT IN THE NAME OF THE PETITIONER.

EXHIBIT P7 : COPY OF THE REPRESENTATION DATED 5.9.2015 SUBMITTED TO THE 1st RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 29027 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

The petitioner's husband, while he was alive, was said to have been a subscriber to a monthly deposit scheme in the respondent Society with 52 subscriptions in his name. He was also said to have been contributing subscriptions in the name of his wife, the petitioner, and his son as well.

2. The grievance of the petitioner is that though the respondent Society has been informed about the death of the petitioner's husband, it has still been continuing to conduct monthly auctioning in the name of her deceased husband and thereafter remitting the proceeds to the loan account in his name. In that regard, the petitioner is said to have submitted Exhibit P7 representation to the first respondent. Complaining of in-action on the part of the first respondent, the petitioner has approached this Court.

3. The learned counsel for the petitioner has submitted that once a person has died, the respondent Bank is not permitted to have any transaction in the name of a deceased

depositor. He has further submitted that if the respondent Bank provides the entire information concerning the deposits and also the outstanding loan amount, the petitioner is willing to take further steps in that regard.

4. In the end, the learned counsel would contend that the respondent has been committing large scale irregularities in the name of petitioner's deceased husband and that the first respondent should act on the petitioner's Exhibit P7 representation.

5. The learned counsel for the second respondent has submitted that the respondent Bank has not committed any irregularity and that it has been following the due process.

6. On the other hand, the learned Government Pleader has submitted that the first respondent has no objection to consider petitioner's Exhibit P7 representation in accordance with law.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner, the learned counsel for the second respondent, as well as the learned Government Pleader, this Court, without advertng to the merits of the matter, disposes of the present

writ petition with a direction to the first respondent to consider Exhibit P7 representation of the petitioner in accordance with law, and pass appropriate orders thereon, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-