

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.34834 of 2013

V.Myilathal

.. Petitioner

v.

The President,  
No.K.1434, Chencheri Malayandipalayam Uzhalvar  
Co-operative Society (Varai),  
Malayandipalayam (Post),  
Sultenpettai - 641 069  
Sulur Taluk,  
Coimbatore District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent authorities to refund the fixed deposit bearing F.D.A/c.No.1427 to the petitioner herein to a sum of Rs.45,000/- (Rupees forty five thousand only) with 7% rate of interest per annum from 20/05/2004 to till date and thereafter to deduct the due balance loan amount bearing fixed deposit loan A/c. No.736 to a sum of Rs.17,000/- (Rupees Seventeen thousand only) with rate of 8% rate of interest for the period of 24.3.2006 to 20.8.2006.

For Petitioner: Mr.K.Myilsamy

For Respondent: Ms.T.P.Savitha

Govt. Advocate - (Co.Op)

ORDER

The above writ petition has been filed by the petitioner to direct the respondent to refund the fixed deposit amount of Rs.45,000/- (Rupees forty five thousand only), bearing F.D.A/c.No.1427, to her with interest at the rate of 7% per annum from 20.05.2004 to till date and thereafter, to deduct the balance loan amount in loan A/c. No.736 with interest at the rate of 8% per annum.

2. It is the case of the petitioner that she had deposited a sum of Rs.45,000/- in the respondent society on 20.05.2004 in a Fixed Deposit and the same was matured on 20.08.2006. However, the fixed deposit amount was not refunded to the petitioner. It is also the case of the petitioner that the petitioner availed a sum of Rs.38,000/- (Rupees thirty eight thousand only) as loan and she repaid a sum of Rs.21,000/- (Rupees twenty one thousand only) with interest at the rate of 8% per annum. According to the petitioner, a

sum of Rs.17,000/- (rupees seventeen thousand only) is due and payable by her. Since the petitioner had deposited her money in the respondent society in fixed deposit, the respondent society is bound to return the amount on attaining maturity of the deposit. However, the respondent did not refund the deposit amount for the reason that the Secretary of the Society had misappropriated the society money and that a criminal case is pending before the Judicial Magistrate Court, Coimbatore.

3. The pendency of the criminal case shall not absolve the respondent from repaying the deposit money to the petitioner. The respondent is liable to repay the fixed deposit amount to the petitioner with interest. Equally, the petitioner is also liable to repay the loan amount availed by her together with interest.

4. In these circumstances, I direct the respondent to repay the deposit amount of Rs.45,000/- together with interest at the rate of 6% per annum from 20.05.2014 till the date of actual payment after deducting the balance loan amount in loan A/c. No.736. The respondent shall calculate the interest at the rate of 8% per annum on the loan amount availed by the petitioner, after adjusting the outstanding dues in the loan account the respondent shall repay the balance amount to the petitioner together with interest at the rate of 6% per annum, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is allowed. However, there shall be no order as to costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Rj

The President,  
No.K.1434, Chencheri Malayandipalayam Uzhalvar  
Co-operative Society (Varai),  
Malayandipalayam (Post),  
Sultenpettai - 641 069  
Sulur Taluk,  
Coimbatore District.

+ 1 cc to M/s. G. Rajan, Advocate Sr.4227  
+ 1 cc to M/s. T.P. Savitha, Advocate SR.5196

W.P.No.34834 of 2013

RSK(CO)

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