

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 841/2016

SUDAMA SINGH

..... Petitioner

Through

Mr.Vijay Shankar & Mr.Sunil Kumar,
Advocates

versus

KRISHNA KUMAR RAO AND ORS

..... Respondents

Through

Mr.Mahesh K.Chaudhary, Advocate
for R-2/OBC

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

%

05.10.2016

CM No.31440/2016 (*exemption*)

Allowed subject to all just exceptions.

CM(M) 841/2016 & CM No.31439/2016 (*interim relief*)

1. When this matter came up for hearing on 29.08.2016, this court had noted as follows:

“1. By the present petition, the petitioner seeks to impugn the order dated 12.5.2016 by which the application filed by the petitioner for contempt proceedings against respondent No.2, Oriental Bank of Commerce, was dismissed.

2. The learned counsel relies upon the order of the trial court dated 23.2.2013 to contend that a fixed deposit of Rs.30 lacs had to be maintained by the bank only for the purpose of paying the school fees of the child ‘Mahi’. The petitioner is the maternal grandfather of the child whereas respondent No.1 is the father of the child. The mother is alleged to have been murdered.

3. Reliance is also placed on order dated 15.7.2015 and the

letter dated 25.8.2015 of the Oriental Bank of Commerce, who has declined to pay the fees of the baby 'Mahi' on account of the fact that no interest has accrued on the said FDR."

2. The learned counsel for respondent No.2 bank submits that they have no difficulty in obeying the order and have always been ready and willing to obey the order.
3. I may just recapitulate the relevant facts as per order dated 23.02.2013, the concerned court i.e. the learned ASJ who was dealing with FIR No.506/2011, which was filed against respondent No.1 had directed that a sum of Rs.30 lacs will be deposited in an FDR and interest earned on the said amount can take care of the fees and other expenses of the child. This order was passed on the application filed by respondent No.1 to release him on parole and for withdrawal of the money lying in the saving bank account of the applicant/accused in respondent No.2/bank. The learned ASJ noted the submission of the IO that a sum of Rs.40 lacs are lying deposited in the saving bank account of respondent No.2. Based on the said submission, the learned ASJ has directed that a sum of Rs.30 lacs will be kept in an FDR, as above.
4. Subsequently, on 15.07.2015 the guardianship court where the matter is pending for guardianship of the child Mahi, daughter of respondent No.2 and granddaughter of the petitioner, passed an order that it is for the welfare of the child Mahi that she continues her studies in the school concerned situated at Chhattarpur, New Delhi for current academic year 2015-2016. It also directed that her study expenses be paid directly by the bank authorities concerned itself where FDR is lying at present.
5. In the light of the above order, the communication sent by the bank

dated 25.8.2015 warrants clarification of the orders. The FDR which is lying with respondent No.2 bank and interest earned on the same amount will only be released for the purpose of education of the child Mahi. Fund should be released by the said bank on receipt of the appropriate fee bill of the school where the child Mahi is studying. Payments will be released to the school directly by respondent No.2 bank. If any amount is left after payment of the school fee to the school, the bank shall continue to retain the said amount. This amount shall be subject to any further direction that may be passed by the guardianship court.

6. It is made clear that this order shall be subject to any further clarification/modification that may be passed by the guardianship court. All arrears of the school will be cleared by respondent No.2 bank within two weeks.

7. With the above observations, the present petition stands disposed of. All the pending applications also stand disposed of.

JAYANT NATH, J.

OCTOBER 05, 2016/v