

THE HON'BLE T. AMARNATH GOUD

WRIT PETITION No. 1468 of 2003

ORDER:

This writ petition is filed assailing the Award, dated 02.02.2002, passed by the Lok Adalat, Peddapalli (Chairman, Mandal Legal Services Committee (Senior Civil Judge), Peddapalli, in LSA No.115 of 2001.

The facts, in brief, are that the parents of respondents 1 and 2 herein i.e., Banda Agaiah and Banda Narsamma have opened three monthly income accounts in their names in the post office. On the death of Banda Narsamma, on 07.09.1998, all the three accounts were converted into a single account in the name of Banda Agaiah. Thereafter, Banda Agaiah also died on 01.03.2000. The said Agaiah did not nominate any one to receive the amount in the monthly income account. When respondents 1 and 2 preferred a claim, dated 11.10.2000, to the balance in the saving account, the petitioners herein informed them to produce succession certificate. Thereafter, respondents 1 and 2 filed L.S.A.No.115 of 2001 before the Lok Adalat, Peddapalli. By the impugned award, the Lok Adalat held that the amount deposited by the parents of respondents 1 and 2 under monthly savings scheme before the Sub Post Master, Sulthanabad, is not a debt or security, and therefore, no succession certificate is needed and that as there is no dispute between respondents 1 and 2 and their sisters, the amount belongs to respondents 1 and 2 on the death of their father and, accordingly,

directed the petitioners herein to pay the amount to respondents 1 and 2.

At the hearing, Sri M. Kanakaiah, learned counsel representing Sri K. Lakshman, learned Assistant Solicitor General, draws the attention of this Court to para 111 (1) of Chapter 15 of the Post Office Small Savings Schemes. As per para 111(1), which deals with the Payment of the Amount of Savings Bank Accounts in the names of deceased depositors, if the claim exceeds Rs.60,000/-, the claimant should be advised to obtain a succession certificate from a competent court of law.

In view of the same, the writ petition is disposed of giving liberty to respondents 1 and 2 to approach the Post Master, Head Post Office, Peddapalli, for claiming the amount in the account of their deceased father, Banda Agaiah, along with the Legal Heir Certificates. As and when the respondents 1 and 2 approaches the Post Master along with the legal Heir Certificates, the Post Master shall verify the same and release the amounts along with the interest accrued thereon in their favour, without any further delay, preferably within a week.

Pending miscellaneous petitions, if any, shall stand disposed of. No order as to costs.

JUSTICE T. AMARNATH GOUD

Date: 20.04.2018
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