HON'BLE SRI JUSTICE P. KESHAVA RAO

WRIT PETITION No.8187 of 2015

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing counsel appearing for the 3rd respondent and the learned counsel for the 4th respondent.

The prayer sought in the writ petition is as under:

> "... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent for retaining petitioner service benefits which was fraudulently deposited in the joint account of 4th respondent Account No 30712860635, State Bank of India, Labbipet, Labbipet Branch, Vijayawada to a tune of Rs.13,53,000/- and consequently not permitting the petitioner to withdraw the monthly interest accrued on the said deposited amount is being illegal, arbitrary, unconstitutional."

The specific case of the petitioner is that the 4th and 5th respondents are her daughter and son-in-law respectively. The petitioner worked as an attender in electricity department i.e., APSPDCL, Operation Town in Central Office, Vijayawada. After attaining the age of superannuation, she retired on 30.06.2013. At the time of retirement all her pension benefits were credited by the department into her savings account in Axix Bank, Vijayawada. It is also stated that disputes arose between respondent Nos.4 and 5 i.e., her daughter and son-in-law leading to registration of C.C.No.3 of 2012. During the pendency of the said case, the 4th respondent approached the petitioner and under the guise of assuring that she will not prosecute the case further and is interested to settle the matter amicably and in the process made the petitioner to deposit her pensionary benefits into the State Bank of India. The sum of Rs.12,48,000/- withdrawn from her personal account from Axix Bank was put in joint fixed deposit vide FDR.No.0033403633021 together by pledging gold ornaments belonging to the petitioner. Since the petitioner is not being allowed to withdraw even the interest portion, highlighting the disputes between herself and respondent Nos.4 and 5, the present writ petition is filed.

Learned counsel appearing for the 3rd respondent fairly submitted that when once an amount has been put in a joint FDR, unless and until both the parties to the FDR come to the bank and give instructions, the 3rd respondent bank will not act on the instructions of one person. They are governed by the regulations relating to operation of the joint FDRs.

Learned counsel appearing for the 4th respondent submitted that there are some disputes between the 4th respondent and the petitioner. However, the 4th respondent is not harassing the petitioner and not stopping her from withdrawing the amount. If the petitioner approaches her for withdrawing the amount jointly, she will co-operate.

Be that as it may, in the light of the submission made by the learned Standing counsel for the 3rd respondent bank, the other disputes between the petitioner on one hand and respondent Nos.4 and 5 on the other hand are purely between them and the 3rd respondent has absolutely no concern of whatsoever. Therefore, this Court is of the opinion that the writ petition, as filed, is not maintainable.

Accordingly, the writ petition is dismissed. No costs.

It is needless to observe that the 3rd respondent bank is directed to deal with the operation of the joint FDR No.0033403633021 as per the regulations governing the same.

Miscellaneous petitions, if any, shall also stand dismissed.

P. KESHAVA RAO, J

Date: 26.11.2018.
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