

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 28519 of 2019

Minor Yohan Richard Vijayan
Rep. by his Guardian,
Richard Raja Singh

... Petitioner

-vs-

The Manager,
Indian Bank,
High Court Extension Counter,
Chennai - 600 014.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondent to disburse the interest amount in fixed deposit account No. 134909 and reinvestment plan receipt No. 484222046 to the Petitioner the Petitioner grandson Yohan Richard Vijayan within a short stipulated time as fixed by this Court.

For Petitioner : Mr. S. Venkatesh

For Respondent : Mrs. Rita Chandrasekar
for M/s. Aiyar & Dolia

सत्यमेव जयते
O R D E R

The Writ Petition has been filed for a direction to the Respondent to disburse the interest amount in fixed deposit account No. 134909 and reinvestment plan receipt No. 484222046 to the Petitioner. The complaint of the Petitioner in the Writ Petition is that the Respondent had informed that no such amount was available as the entire interest accrued from the fixed deposit has been deducted towards income tax at source.

2. Mrs. Rita Chandrasekar, Learned Counsel appearing for the Respondent, on instructions, states that a sum of Rs.13,98,330/- is available as interest as on 30.09.2019 which has to be reinvested in fixed deposit for the maturity value of Rs.29,87,642/- as on 06.09.2021, as per the agreed terms between the parties.

3. Be that as it may, as the aforesaid fixed deposit was is in pursuance of the order dated 05.04.2005 in O.P. No. 109 of 2005 passed in the Original Side of this Court, any claim for payment of interest arising out of the same could be made only by way of an application in that proceeding.

4. In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to file necessary application in the aforesaid proceeding and he has made an endorsement to that effect, which is recorded.

5. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vjt
To

The Manager,
Indian Bank,
High Court Extension Counter,
Chennai - 600 014.

+1cc to M/s. Aiyar & Dolia , Advocate SR.No. 85671

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A.SK(17/10/2019)

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