

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33336 of 2017
and
W.M.P.No.36779 of 2017

Ms.Ramya

...Petitioner

Vs

1.The Manager
State Bank of India
Small Scale Industries Branch
Ambattur
Chennai.

2.The Manager
Canara Bank
Poonamallee
Chennai - 600 056.

3.The Shirasthadar,
The Court of the Hon'ble Sub-Judge
Poonamallee,
Poonamallee.

4.The Oriental Insurance Company
Represented by its Manager
Anna Salai
Chennai - 600 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to call for the records of the respondents pertaining to the MCOP.No.635 of 1992 & FDR No.831990 in SL.No.12266 dated 15.10.2003 and direct the respondents to forthwith trace the amount and deposit the same with accrued interest in the account of M.C.O.P. No.635 of 1992 on the file of the Sub-Ordinate Court, Poonamallee and permit the petitioner to withdraw the same.

For Petitioner : Mr.C.A.Diwakar

For Respondents : Mr.S.Sethuraman for R1
Mr.S.Kesavan for R2
Mr.M.Santhanaraman for R3
Mr.S.Manohar for R4

O R D E R

This writ petition is filed seeking for a Mandamus directing the respondents to forthwith trace the amount pertaining to MCOP No.635 of 1992 and FDR 831990 in SL.No.12266 dated 15.10.2003 and deposit the same with the accrued interest in the account of MCOP No.635 of 1992 on the file of the Sub-Ordinate Court, Poonamallee, and permit the petitioner to withdraw the same.

2.Heard both sides.

3.The petitioner's mother met with a fatal accident on 18.06.1992 which has resulted in filing MCOP No.635 of 1992 on the file of the Sub-Ordinate Court, Poonamallee, claiming a compensation of Rs.10,00,000/-. It is stated that the matter was settled before the Lok Adalat on 28.04.1994 and consequently, an award dated 28.09.1994 was passed awarding a sum of Rs.4,00,000/- to the petitioner and Rs.1,00,000/- to the petitioner's grandmother by name, Mrs.Jagadha. It is stated that the award amount was deposited in Court vide PDR No.412 dated 30.12.1994. When the payment out application was filed by the grandmother, the same was allowed and she was paid a sum of Rs.1,31,619/- on 03.08.1998. Since the petitioner was minor, the amount of Rs.5,26,475/- was kept in a fixed deposit with the 1st respondent bank. On attaining majority, the petitioner filed applications to declare her major and to discharge her maternal grandmother from the Guardianship. The said applications in I.A.Nos.210 and 219 of 2012 were allowed. Thereafter, the petitioner filed another application seeking payment out. The said application has been kept pending on the reason that the amount deposited was yet to be traced by the Registry. After making earnest efforts before the lower Court and having failed to succeed, the present writ petition is filed with the relief as stated supra.

4.This matter, after notice, was heard by this Court on several occasions. Finally, today the matter is taken up for further hearing. A counter affidavit filed by the 1st respondent dated 24.01.2019 stated as follows:

"2. I submit that there is no deposit in the name of Ms.Ramya in the branch of the 1st respondent Bank. As per the direction of this Hon'ble Court we were able to trace out the deposit. At present the deposit pertaining the MCOP Claim can be correlated to an Account Number 30029627583 in SIDCO, Ambattur Branch, Chennai. The amount available in the deposit is a sum of Rs.21,45,317/- (lastly renewed on 30.04.2017 and maturing on 30.04.2019.)

3. I submit that we are taking necessary steps to close the deposit and to send the amount to the Sub Court, Poonamalle to the credit of M.C.O.P. No.635 of 1992 as requested by the Hon'ble Sub Judge."

5.Perusal of the above statement made by the 1st respondent Bank would show that the amount deposited has now been traced and the 1st respondent Bank is also taking steps to close the deposit and send the amount to the Sub-Court, Poonamallee, to the credit of MCOP No.635 of 1992. Since the 1st respondent Bank has traced the deposit and also is taking steps to send the amount in deposit to the Sub-Ordinate Court, Poonamallee, this Court is of the view that the petitioner may not have any further grievance for working out her payment out of application before the Sub-Court, Poonamallee.

6.Accordingly, this Writ Petition is disposed of as follows:

a) The State Bank of India, SIDCO Ambattur Branch, Chennai, shall close the fixed deposit amount lying in Account Number 30029627583 and send the amount lying in such deposit to the Sub-Court, Poonamallee, within a period of two weeks from the date of receipt of a copy of this order.

b) On receipt of such amount from the said Bank, the Sub-Court, Poonamallee, shall dispose the payment out of application filed by the petitioner in accordance with law, within a period of two weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

gsi/vsi

To

1.The Manager
State Bank of India
Small Scale Industries Branch
Ambattur, Chennai.

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2.The Shirasthadar,
The Court of the Hon'ble Sub-Judge
Poonamallee, Poonamallee.

3.The Oriental Insurance Company
Represented by its Manager
Anna Salai, Chennai - 600 002.

+1cc to Mr.C.A.Diwakar, Advocate SR.No.6621

+1cc to Mr.S.Sethuraman, Advocate SR.No.6603

+1cc to Mr.S.Kesavan Advocate SR.No.6442

W.P.No.33336 of 2017
and
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GMV (30/01/2019)



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