



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY THE 25th DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.2763 of 2021

in

C.S. No.28 of 2016

1. Mrs.Beenu Govind Rao,
Permanent resident of
No.39, Poes Garden,
Chennai-600 086.

2. Mrs.Renu Rao,
Permanent resident of
No.22, Poes Garden,
Chennai-600 086.

... Plaintiffs

-Versus-

1. P.G.Praveen,
216, Jambodai Street, ECR,
Muttukkadu-603 112.

2. Axis Bank Ltd.,
rep. by its Senior Manager,
No.225, Anna Salai,
Chennai-600 002.

... Defendants

A.No.2763 of 2021

1. Mrs.Beenu Govind Rao,
Permanent resident of
No.39, Poes Garden,
Chennai-600 086.

2. Mrs.Renu Rao,
Permanent resident of
No.22, Poes Garden,
Chennai-600 086.

... Applicants/Plaintiffs



-Versus-

1. P.G.Praveen,
216, Jambodai Street, ECR,
Muttukkadu-603 112.

... Respondent/1st Defendant

Application praying that this Hon'ble Court be pleased to permit 2nd applicant / 2nd plaintiff to receive the Fixed Deposit Receipt 2014/NDRT 0161529 dated 21.09.2017 of Indian Overseas Bank Stella Maris branch, for a sum of Rs.1,50,00,000/- (Rupees One crore fifty lakhs only) from the Assistant Registrar High Court Madras which stands in the name of Mrs.Renu Rao the 2nd applicant /2nd plaintiff, and on behalf of Mrs. Beenu Govind Rao, the 1st applicant /1st plaintiff herein.

This Application coming on this day before this court for hearing in the presence of M/s.M.Sneha for Mr.J.Ravindran, Advocates for the Applicant herein and Mr.AL.Ganthimathi, Advocate for the 1st respondent herein and upon reading the Judges Summons and the affidavit of Renu Rao filed herein,

The Court made the following orders:-

This application is filed by the plaintiffs/applicants seeking leave of the Court to receive the fixed deposit amount by the second applicant.

2. The learned counsel for the applicants would submit that a suit in C.S.No.956/2017 is filed against them for recovery of a sum of Rs.3.75



to the plaintiff in C.S.No.956 of 2017. She further added that the money in the Fixed Deposit once credited to the account of the second applicant, it can be made over directly to the plaintiff in C.S.No.956 of 2017.

3. The Fixed Deposit is opened by the second applicant in M/s.Indian Overseas Bank, Stella Maris College Branch, Chennai, on 21.09.2017 and it is initially invested for a period of 12 months and its maturity date is stated to be 21.09.2018. It is obvious that this Fixed Deposit would have been renewed periodically by the Bank.

4. The second applicant on receipt of the above fixed deposit amount, is now required to close or pre-close the said fixed deposit account, and M/s.Indian Overseas Bank, Stella Maris College Branch, Stella Maris College, Chennai, is now required to credit the said amount with accrued interest to the Savings Bank A/c of the second applicant.

5. On such credit being given, M/s.Indian Overseas Bank, Stella Maris College Branch, Chennai would transfer the funds so credited (Rs.1,50,00,000/- + all accrued interest thereon) by RTGS to the account of

: Name : Mr.S.S.M.Ahmed Husain

Bank : M/s.Indian Overseas Bank, 297,

Cathedral Road, Chennai – 600 086.

S.B A/c No.: 205101000012272

IFSC No. : IOBA0002051



6. Once the amount is so credited to the Savings Account of the second applicant, the second applicant is required to mention before this Court about the same and have the case listed before this Court. And also the counsel for the plaintiff is required to make a mention before the Court once the amounts are transferred and credited to the account of the Mr.S.S.M.Ahmed Husain, plaintiff in C.S.No.956 of 2017, and have their case listed before this Court. The counsel for the plaintiff is C.S.956 of 2017 is also required to file a memo to that effect.

7. At the first stage, the Registry is required to hand over the Fixed Deposit Receipt No. 2014/NDRT/0161529 dated 21.09.2017 for the face value of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) to the second applicant, within a period of one week from today. Registry is further directed to serve a copy of this order to M/s.Indian Overseas Bank, Stella Maris College Branch, Stella Maris College, Chennai, forthwith.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
25th DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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26.08.2021

WEB COPY

A.No.2763 of 2021
in
C.S.No.28 of 2016

ORDER :-

DATED:25.08.2021

THE HON'BLE MR.JUSTICE
N.SESHASAYEE

FOR APPROVAL: 26.08.2021

APPROVED ON: 26.08.2021

Copy to:

1. Indian Overseas Bank,
Stella Maris College Branch,
Stella Maris College, Chennai.

2. Correspondence Seat
Original Side,
Madras High Court.



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Application praying that this Hon'ble Court be pleased to permit 2nd applicant / 2nd plaintiff to receive the Fixed Deposit Receipt 2014/NDRT 0161529 dated 21.09.2017 of Indian Overseas Bank Stella Maris branch, for a sum of Rs.1,50,00,000/- (Rupees One crore fifty lakhs only) from the Assistant Registrar High Court Madras which stands in the name of Mrs Renu Rao the 2nd applicant /2nd plaintiff, and on behalf of Mrs. Beenu Govind Rao, the 1st applicant /1st plaintiff herein.

This Application coming on this day before this court for hearing

The court made the following order:-

This application is filed by the plaintiffs/applicants seeking leave of the Court to receive the fixed deposit amount by the second applicant.

2. The learned counsel for the applicants would submit that a suit in C.S.No.956/2017 is filed against them for recovery of a sum of Rs.3.75 crores. She submitted that once the amount is received, this has to be paid to the plaintiff in C.S.No.956 of 2017. She further added that the money in the Fixed Deposit once credited to the account of the second applicant, it can be made over directly to the plaintiff in C.S.No.956 of 2017.

3. The Fixed Deposit is opened by the second applicant in



M/s.Indian Overseas Bank, Stella Maris College Branch, Chennai, on 21.09.2017 and it is initially invested for a period of 12 months and its maturity date is stated to be 21.09.2018. It is obvious that this Fixed Deposit would have been renewed periodically by the Bank.

4. The second applicant on receipt of the above fixed deposit amount, is now required to close or pre-close the said fixed deposit account, and M/s.Indian Overseas Bank, Stella Maris College Branch, Stella Maris College, Chennai, is now required to credit the said amount with accrued interest to the Savings Bank A/c of the second applicant.

5. On such credit being given, M/s.Indian Overseas Bank, Stella Maris College Branch, Chennai would transfer the funds so credited (Rs.1,50,00,000/- + all accrued interest thereon) by RTGS to the account of :

Name : Mr.S.S.M.Ahmed Husain

Bank : M/s.Indian Overseas Bank, 297,

Cathedral Road, Chennai – 600 086.

S.B A/c No.: 205101000012272

IFSC No. : IOBA0002051

6. Once the amount is so credited to the Savings Account of the second applicant, the second applicant is required to mention before this



the counsel for the plaintiff is required to make a mention before the Court once the amounts are transferred and credited to the account of the Mr.S.S.M.Ahmed Husain, plaintiff in C.S.No.956 of 2017, and have their case listed before this Court. The counsel for the plaintiff is C.S.956 of 2017 is also required to file a memo to that effect.

7. At the first stage, the Registry is required to hand over the Fixed Deposit Receipt No. 2014/NDRT/0161529 dated 21.09.2017 for the face value of Rs.1,50,00,000/- (Rupees One Crore Fifty Lakhs only) to the second applicant, within a period of one week from today. Registry is further directed to serve a copy of this order to M/s.Indian Overseas Bank, Stella Maris College Branch, Stella Maris College, Chennai, forthwith.

Sd./-(N.S.S.J.,)
25.08.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.