

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.04.2022

CORAM

THE HONOURABLE THIRU JUSTICE B.PUGALENDHI

Rev.Aplw.No.81 of 2021
against
WP.No.10792 of 2020
and
W.M.P.No.13670 of 2021

The Secretary,
Urban Co-operative Bank,
Pallikonda,
Periya Bazaar - 635 809,
Anaikattu Taluk,
Vellore District.

... Petitioner / Respondent

Vs.

N.Kalaivani

... Respondent / Petitioner

PRAYER:- Application filed under Order 47 Rule 1 & 2 read with 114 of the Civil Procedure Code to review the order passed by this Court in WP.No.10792 of 2020, dated 08.03.2021.

Prayer in WP.No.10792 of 2020:Writ Petition filed u/s 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the Respondent to disburse the premium deposit amount of Rs.8,00,000/- to the Petitioner's Children 1)Maanithira aged about 12 years and 2)Muhunthan about 7 years based on the petitioners representation dated 05.12.2019.

For Review Applicant : Mr.L.P.Shanmugasundaram

ORDER

One Kalaivani, the respondent herein, has filed the writ petition in WP.No.10792 of 2020. Her husband had some fixed deposit with the review applicant - bank and died in the year 2019. In the said fixed deposit, her children were shown as nominees. Though she approached the review applicant - bank for return of the fixed deposit amount, the amount was not disbursed, for the reason that they did not produce the original

fixed deposit receipts. Therefore, she has filed the writ petition seeking a mandamus to disburse the premium deposit amount of Rs.8,00,000/- to her minor children, namely, Maanithira and Muhunthan, based on her representation dated 05.12.2019.

2.This Court, by order dated 08.03.2021, disposed of the writ petition and directed the review applicant - bank to verify with the records available with them as to whether the respondent's minor children are mentioned as nominee for the fixed deposit and thereafter, disburse the amount to the respondent, after verifying the guardianship of the minor children and also after obtaining an affidavit of undertaking from the respondent.

3.According to the review applicant - bank, there are other claims for the fixed deposit and therefore, they have filed this application to review the order dated 08.03.2021.

4.This Court is at a loss to understand as to how the bank is maintaining this review application. According to the bank, one G.Rajappan, who happens to be a relative of the respondent, has caused a legal notice not to refund the fixed deposit. But, the said Rajappan is not before this Court. It is an admitted fact that the respondent's minor children are shown as nominees in the fixed deposit. There is no dispute over it. Being the mother of the minor children, the respondent is their natural guardian. This Court has, therefore, directed the bank to disburse the amount, after verifying these two aspects and after getting an undertaking affidavit. But the bank has filed this application, taking the cause of an individual, who is not before this Court.

5.It appears that the bank has filed this application in order to delay the process of disbursing the amount and therefore, this Court is inclined to dismiss this application by imposing cost on the review applicant - bank. However, this Court restrains from imposing any such cost. There is no ground to review the earlier order dated 08.03.2021 and this review application is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gk/mrm

To

The Secretary,
Urban Co-operative Bank,
Pallikonda, Periya Bazaar - 635 809,
Anaikattu Taluk, Vellore District.

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