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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.30139 of 2017

R.Jayalakshmi

...Petitioner

Vs

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai.

2. The Secretary,
K.2043 Andipalayam Primary Agricultural
Co-operative Society,
Andipalayam Post,
Iduvampalayam via,
Tirupur District - 641 687.

...Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Certiorarified Mandamus, calling for the entire records of the second respondent dated 24.05.2016 to quash the same and directed the second respondent to repay the amount deposited to the petitioner's mother.

For Petitioner	:	Mr.C.Veeraraghavan
For R1	:	Mr.M.Shahjahan Special Government Pleader
For R2	:	Mrs.T.Girija

ORDER

This Writ Petition has been filed, calling for the entire records of the second respondent dated 24.05.2016 to quash the same and directed the second respondent to repay the amount deposited to the petitioner's mother.

2.On 07.12.2021, when the matter was came up for hearing, this Court passed the following orders:

"When the matter is taken up for
hearing, the learned counsel for the



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petitioner submits that the mother of the petitioner was died leaving behind the petitioner as her nominee of the amount deposited by her. Therefore, the petitioner made an application to withdraw the amount lying in her mother's account.

2.The learned counsel appearing for the respondents would submit that they received an objection for transferring the amount in the name of the petitioner. The other legal heirs are available and they are also entitled for that amount. The other legal heirs have filed the succession OP and the same is pending. If they obtained the order and produced the same before the Bank, the amount will be paid to the other legal heirs also.

3.In reply, the learned counsel for the petitioner submits that the deposit of the petitioner's mother is treated as a interest free deposit after the maturity date. Whereas, the learned counsel appearing for the respondents submits that once the deposit is kept in the Bank, it wont be treated as interest free, the deposit will get renewed periodically.

4.This Court directs the learned counsel appearing for the respondents to verify as to whether the deposit made by the petitioner's mother is periodically renewed and report before this Court in the next date of hearing.

Post the matter on 17.12.2021."

3.Today, the learned counsel appearing for the second respondent would submit that, after the maturity, the amount has been transferred to the savings account of deceased Govindammal and till date the amount lies in the savings accounts with the interest of 3.5% per annum. Further, she would submit that if the amount is re-deposited in the Fixed Deposit, it will earn more interest.

4.Upon hearing, this Court is of the view that since the petitioner is the nominee of Govindammal, the amount shall be maintained in the Fixed Deposit in the name of the petitioner till the outcome of the Succession O.P. Therefore, this Court



directs the second respondent to transfer the amount in the name of the petitioner in the Fixed Deposit. However, the petitioner cannot withdraw the interest of the amount and the amount shall be disbursed as per the out come of the Succession O.P.

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5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rst

To:

1. The Registrar of Co-operative Societies,
Kilpauk,
Chennai.

2. The Secretary,
K.2043 Andipalayam Primary Agricultural
Co-operative Society,
Andipalayam Post,
Iduvampalayam via,
Tirupur District - 641 687.

+lcc to Mr.C.Veeraraghavan, Advocate SR. No.67756

+lcc to M/s.T.Girija, Advocate SR. No.68562

+lcc to Government Pleader SR. No.68327

W.P.No.30139 of 2017

KSM (CO)

PR (07/01/2022)