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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.13996 OF 2017

T.Utharraj

... Petitioner

.Vs.

The Branch Manager,
Syndicate Bank,
Pedappampatti Branch,
Pedappampatti,
Pollachi Taluk,
Coimbatore District.

... Respondent

PRAYER:-

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to repay the fixed amount deposited by father of the petitioner on the basis of the representation dated 08.09.2016 to the respondent within the time fixed by this Hon'ble Court.

For Petitioner : Mr.C.Veeraraghavan

For Respondent : Mr.P.Sreenivasulu

ORDER

When this matter was taken up for hearing on 22.11.2021, this Court passed the following order:

" It is the case of the petitioner that his father was missing as early as on 11.04.2016. Thereafter, on 23.04.2016 he complained to the Inspector of Police, Gudimangalam Police Station, and the same has been registered in Crime No.172 of 2016 as man missing case. His father made a fixed deposit of Rs.1,50,000/- in the scheme called as Vikas cash certificate for the period of one year and the same was matured on 27.10.2015 and the name



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of the petitioner was mentioned as nominee. Therefore, the petitioner approached the respondent to cancel the FD and credit into his account but the same has been refused. Aggrieved over the same, the petitioner is before this Court by virtue of the present writ petition.

2. The learned counsel for the petitioner submits that the petitioner is the only nominee and he is entitled for the same.

3. However, the learned counsel for the respondent submitted that as per Section 108 of Indian Evidence Act, the person deemed to be dead only after the period of 7 years and in the present case, the complaint was filed only on 23.04.2016 i.e., after seven years and thereafter he produced death certificate.

4. However, the learned counsel for the respondent would submit that with regard to the renewal of the FD from year to year, he will take appropriate instructions.

5. This Court directs the learned counsel for the respondent to take appropriate instructions and report before this Court on 30.11.2021.

6. Post the matter on 30.11.2021, under the caption "for orders".

2. Today, when the matter is taken up, the learned counsel appearing for the respondent would submit that the deposit of Rs.1,50,000/- was already returned to the petitioner on 15.12.2008. In reply, the learned counsel appearing for the petitioner states that this Court may record the submissions of the learned counsel for the respondent and close the writ petition.

3. The submission of the learned counsel for the respondent is recorded and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Pns



To

The Branch Manager,
Syndicate Bank,
Pedappampatti Branch,
Pedappampatti,
Pollachi Taluk,
Coimbatore District.

W.P.NO.13996 OF 2017

GJ (CO)
PBS/22/12/2021