14.06.22
Sl-01
Ct.32
(S.R.)

FMA No.2367 of 2016
with
IA No: CAN 1 of 2016 (Old No: CAN 3591 of 2016)
Jain Swetambar Society & Anr.
v.
State Bank of India & Ors.

Mr. Amitava Chaudhuri,
Mr. Moniruzzaman
Mr. Shashwat Nayak
Mr. Bijan Datta
Mr. Anirudhya Dutta ... for the appellants.

Mr. Debashis Saha
Ms. Dipiha Basu ... for the Bank.

The present appeal has been preferred challenging an order dated 15th February, 2016 passed in W.P. No.2321 (W) of 2016.

Mr. Chaudhuri, learned advocate appearing for the appellants submits that the writ petition was preferred by the Jain Swetamber Society (in short 'the said society') claiming to be the actual beneficiary of a number of fixed deposits at Hazra Road Branch of State Bank of India created by Mahipal Bahadur Singh, Bhupal Bahadur Singh, Jagatpal Bahadur Singh and Kumar Pal Bahadur Singh and they were willing to transfer the said fixed deposits in favour of the said society. However, the bank declined to credit the proceeds of the said fixed deposits raising legal heirship disputes.

He submits that during pendency of the present appeal the bank was able to trace out 11 fixed deposits.

The total maturity value of the said fixed deposits along with interest was quantified to be Rs.14,61,458/- and thereafter a fresh fixed deposit account was created in the name of the said society. Such fact would be explicit from the annexures to the supplementary affidavit filed by the appellants.

Mr. Chaudhuri further submits that on behalf of the said society a further representation was submitted on 16th August, 2021 requesting the bank authorities to trace out the other fixed deposits and to take follow up steps, in accordance with law.

Mr. Saha, learned advocate appearing for the Bank does not dispute the fact that 11 fixed deposits were traced out during pendency of the present appeal. Referring to a memo dated 30th April, 2022 issued by the Branch Manager, Mr. Saha submits that a fixed deposit of an amount of Rs.14,61,458/- for a period of 10 years was created in the name of the said society and that the same can be encashed only after expiry of a period of 10 years, i.e., 18th February, 2032.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

In view of the fact that 11 fixed deposits have already been traced out and the maturity amount has been reinvested in a fresh fixed deposit account, we are of the opinion that no further order is required to be passed in the present appeal.

Needless to observe that the bank authorities shall make a sincere endeavour to trace out the other fixed deposits, if any, and to take further follow up steps, in accordance with law.

With the above observations and directions, the appeal and the connected application are disposed of.

There shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Raja Basu Chowdhury, J.) **(Tapabrata Chakraborty, J.)**