

03.08.2022
Court No. 19
Item no.657 (ML)
CP

WPA 13079 of 2021
with
CAN 1 of 2022
with
CAN 2 of 2022

Kakali Senapati & anr.
Vs.
The State of West Bengal & ors.

Mr. Manoranjan Jana
Mr. Tanmay Mukherjee
Ms. Mitali Jana
.....for the petitioners.

Mr. Sreyash Basu Dasgupta
Mr. Pranit Biswas
....for the respondent no. 6.

Mr. Bhaskar Chakraborty
Mr. S. Mukherjee
....for the intervenor/mother.

Mr. Srijan Nayak
Ms. Rituparna Maitra
Ms. Munmun Tiwary
....for the State.

The writ petition is disposed of with a direction upon the petitioners to withdraw the interest amount from the three fixed deposits and tender one-third of the amount so received to the mother-in-law who is represented by Mr. Bhaskar Chakraborty, learned advocate.

It appears from the report of the Assistant Registrar of Co-operative Societies that the deceased Kamal Senapati died on January 14, 2020 leaving three legal heirs, namely, Kakali Senapati, Deb Senapati, Gangamoni Senapati. The Legal Heirs'

Certificate was issued on March 16, 2020 by the competent authority. The money in the account of the deceased was transferred to the account of the petitioner no. 2 on July 10, 2020, as the petitioner no. 2 was the nominee of his deceased father. The amount of Rs.14,82,000.00 had been converted into three fixed deposits under MIS through the A/c No. 300614703, A/c No. 300614711 and A/c No. 300614738. Monthly interest of Rs.2,750.00, Rs. 2651.00 and Rs.2750.00 accrued every month respectively in respect of the accounts. The copy of the said report is taken on record.

The petitioners shall be at liberty to withdraw the total interest amount only, from the three fixed deposits and utilize two-third of the same, thereby tendering one-third to Gangamoni Senapati.

The other allegations and counter-allegations are not gone into. None of the parties shall touch the principal amount, at this stage.

The bank authorities will ensure that the order of this court is complied with and assist the parties.

The writ petition is disposed of. In view of the disposal of the writ petition, the connected applications are also disposed of accordingly.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)