

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.16402 of 2022
(Through hybrid mode)**

Swaroop Ranjan Mohapatra

Petitioner

Mr. A. K. Tarai, Advocate

-versus-

***The Zonal Manager, Indian Bank,
BBSR and another***

Opposite Parties

Mr. S. K. Dey, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER

17.10.2022

Order No.

04.

1. The writ petition was moved on 12th September, 2022. Mr. Tarai, learned advocate appearing on behalf of petitioner and submits that his client is elder son of the deceased, who had joint fixed deposit account with his younger brother. The legal heirs, except the younger brother, have sworn affidavits, to have proportionate shares of the proceeds from the bank, leaving younger brother's share. The bank is standing in the way by impugned communication dated 6th May, 2022, requiring all legal heirs to join.

2. There was direction made on 12th September, 2022 to add the youngest brother as opposite party no.3. Said direction and further direction for issuance of notice were carried out. Postal article addressed to added opposite party has been returned with endorsement

‘addressee refused return to sender’. In the circumstances, Court finds there has been good service on added opposite party.

3. Mr. Tarai refers to page 24 in the writ petition and submits, all legal heirs, except added opposite party, had joined in seeking disbursement of proportionate amount from account no.2014075423 and F.D. account no.50060103264, to signatories of the letter dated 25th January, 2022.

4. The bank is directed to disburse aggregate in aforesaid accounts proportionately to the signatories of letter dated 25th January, 2022, keeping 1/6th thereof to be claimed by added opposite party. This direction will be carried out within two weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant