

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.29064 Of 2021
(Through hybrid mode)**

Jatindra Patel

.... Petitioner

Mr. G. Sahu, Advocate

-versus-

SBi, Sundargarh

.... Opposite Party

Mr. G. Kar, Advocate

Mr. P.K. Satapathy, Advocate

CORAM: JUSTICE ARINDAM SINHA

**Order
No.**

ORDER

23.02.2022

I.A. No.749 of 2022

6. 1. Mr. Sahu, learned advocate appears on behalf of petitioner and submits, his client is son and nominee in respect of money deposited by his late father in the bank. His client is sole nominee. He has two brothers and three sisters.
2. Mr. Kar, learned advocate appears on behalf of the bank and submits, petitioner is nominee in respect of money lying in the two fixed deposits made by petitioner's late father.
3. Mr. Satapathy, learned advocate appears on behalf of the sisters and submits, his clients have made interim application for intervening and to be added as party. He submits, in event Court does not protect his clients' interest in restraining the bank from paying out to

petitioner, his clients will not be able to recover their share of the money left behind by their late father. He submits further, nominee is trustee and therefore Court should step in on behalf of his clients.

4. There does not appear to be any dispute that petitioner is sole nominee in respect of the two fixed deposits lying with opposite party bank. Petitioner's contention of the bank being compelled to honour the nomination cannot be resisted by the sisters. However, the sisters are added as party to the writ petition. Petitioner will make necessary amendment in the cause title, in Court and to be counter signed by Court Master. The amendment is to be effected today for purpose of obtaining certified copy of this order.

5. Opposite party bank will honour the nomination made in respect of the fixed deposits. Petitioner is put on notice that he will thereupon hold the proceeds as trustee of the money till it is decided regarding entitlement to it, whether by petitioner alone or to be shared and in what proposition.

6. The I.A. stands allowed and the writ petition, disposed of.

(Arindam Sinha)
Judge

Sks