

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31632 Of 2021
(Through video conferencing mode)

Baishnab Charan Mahapatra ***Petitioner***

Mr. Tuna Sahu, Advocate.

-versus-

The Dy. General Manager, ***Opposite Parties***
Allahabad Bank and others

Mr. S.K. Dey, Advocate for bank

CORAM: JUSTICE ARINDAM SINHA

Order
No.

ORDER
10.01.2022

2. 1. Mr. Sahu, learned advocate appears on behalf of petitioner. On 8th November, 2021 following order was made.

“1. Mr. Sahu, learned advocate appears on behalf of petitioner, who is one of three persons jointly having account in presently Indian Bank, Gandakipur Branch in district Jagatsinghpur. He submits, the other persons jointly holding the account are his client’s brother and mother. They, by separate writ petitions, have withdrawn 1/3rd share each from aggregate amount lying in the joint account. Balance belongs to his client and there should be direction in permitting withdrawal.

2. Let notice be issued to opposite parties nos.3, 4 and 5 by speed post with A.D., returnable within two

weeks. Requisites be filed within three days.

3. List on 29th November, 2021.

Service has been effected on opposite party nos. 3, 4 and 5. They go unrepresented.

2. Mr. Dey, learned advocate appears on behalf of the bank and draws attention to paragraph-2 in his client's counter. Said paragraph is reproduced below.

"2) That in reply to Para 1 & 7 it is respectfully stated that it is not correct to assert that there was any inaction on the part of the OP no.2 and/or there was any oral request it is respectfully stated that on receipt of annexure 1 the O.P. No.2 on the body of the annexure 1 gave their reply endorsing on the body of the said letter to the effect that as the account is jointly operated by three members and two of the members have already taken their share by court order so the petitioner is advised to obtain court order to take his share with interest.

He submits, there be direction upon his client to pay petitioner his share along with accrued interest and thereafter the account to be closed.

3. Opposite party bank will pay petitioner his share lying in the account, along with accrued interest. On the payment made, the bank is at liberty to close the account.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

