

M/L. 22.
September 4, 2023.
MNS.

WPA No. 9433 of 2023

Smt. Sukanya Das @ Mandal
Vs.
The Union of India and others

Mr. Amit Baran Dash,
Ms. Ankana Sarkar

... for the petitioner.

Mr. Amal Kumar Sen,
Mr. Jaladhi Das

...for the State.

1. Affidavit-of-service filed in Court today
be kept on record.
2. Despite service, none appears for the
Union of India and other respondents
apart from the State.
3. Learned counsel for the petitioner
contends that the petitioner is the wife
of respondent no. 7, but was driven out
from her matrimonial home on October
8, 2022 along with two minor children.
Prior thereto, the petitioner had
purchased immovable properties and
had made certain investments in
movable assets, particularly in the
postal department and with the Life

Insurance Corporation of India from her *Streedhan* amount. Thereafter, the respondent no. 7 filed a suit for declaration and injunction in the name of the minor child of the petitioner, seeking a declaration in respect of the immovable and the movable properties-in-question. Two injunction applications were moved separately by the plaintiff (therein)-respondent no. 7 in the said suit, one each in respect of the movable and the immovable properties, but both the said applications were rejected by the court below.

4. In the meantime, a National Savings Certificate (NSC) of the petitioner has matured and the petitioner seeks a release of the same.
5. However, an internal communication was made by the Sub Postmaster, Ramnagar to the Superintendent of POs, Contai Division, annexed at page 48 of the writ petition, in that regard.
6. It is argued that the petitioner is entitled to the amount of matured NSC and the

same should be disbursed immediately in favour of the petitioner.

7. Heard learned counsel for the petitioner and the State.
8. The petitioner has annexed sufficient documents to the writ petition to establish that the NSC-in-question stands in the name of the petitioner. That apart, as per submission made by the petitioner-wife, there is no matrimonial suit pending between her and the respondent no. 7-husband.
9. In the declaratory suit filed by the respondent no. 7 in the name of the minor child of the petitioner, both the injunction applications filed by the respondent no. 7 were rejected.
10. Hence, even if the NSC-in-question is the subject matter of the suit, there is no impediment or any restraint order passed by a competent civil court at present to debar the petitioner from getting the amount under the NSC, particularly as the same stands in the name of the petitioner.

11. Accordingly, WPA No. 9433 of 2023 is allowed, thereby directing respondent no. 4, the Post Master, Ramnagar Sub-Post Office, to disburse the maturity amount of Rs.4,32,696/- against the NSC Account No. 3968977988 standing in the name of the petitioner with the said post office along with any other interest or other amount, if accrued on such account till the date of disbursal of the said amount, in the name of the petitioner in terms of relief (a) of the present writ petition, within a fortnight from the date of communication of this order to the said respondent.

12. The parties shall act on a server copy of this order, coupled with the written communication of the learned Advocate-on-record of the petitioner, without insisting upon prior production of a certified copy of this order, to comply with the same.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order, if applied for, be made available

to the parties upon compliance with the
requisite formalities.

(Sabyasachi Bhattacharyya, J.)