



C.M.P.No.1538 of 2023
in A.A.No.17 of 1996

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KRISHNAN RAMASAMY.J.,

This petition has been filed seeking to modify the order passed by this Court on 24.12.1997 in A.A.O.No.17 of 1996, so as to enable M.Minisha to withdraw the amount or direct the Bank to credit the amount of Rs.4 Lakhs along with the accrued interest as on date without deducting TDS, lying in fixed Deposit in F.D.R. A/c. No.TD/A/771571, dated 10.01.1998, present Account Nos. 31296880916 and 31067719574 to M.Minisha's account in A/c.No.10843304245 with the State Bank of India, Vadasery Branch, Nagercoil, Kanyakumari District.

2.This Court while disposing A.A.No.17 of 1996 on 24.12.1997 in Paragraph No.22 has passed the following orders:

“However, before parting with the judgement, I want to make a provision for the handicapped female child, as a result of suggestions I got from the husband and also from the learned Senior counsels appearing on both sides. Accordingly, the husband is directed to deposit, a sum of Rs.4,00,000/- (Four Lakhs only) with



the State Bank of India, Nagercoil, in the name of the minor child, showing the mother of the child as guardian. The said deposit shall be made in fixed deposit initially for a period of five years or till the date of marriage of the said child whichever is later; nobody should withdraw the said deposit without getting the prior permission from the learned Sub-Judge, Padmanabhapuram, Kanyakumari District the wife is entitled to receive the accrued interest at Rs.1000/- per month for the welfare of the minor child for education and marriage of the child, if the amount is needed, it can be withdrawn after establishing the same before the lower court, from the accrued interest only and not from the deposit amount, namely principal amount. After marriage, the child can approach the lower court for withdrawal of the said deposit amount and the lower court taking into consideration the welfare and well being of the child, shall pass suitable orders, permitting her to withdraw the said deposit amount. I am emphasizing this fact only to avoid any compulsion on the said child withdraw the said deposit amount prematurely. It is not necessary to observe that, ultimately the said deposit amount is only for the benefit of the said child. The decree passed in favour of the husband shall come into effect only on the date of deposit of the said amount."



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3. When the matter came up on 10.07.2023, by referring the above paragraph, learned counsel appearing for the peititoner submitted that this Court permitted Ms.M.Minisha to withdraw the said amount when she attains majority or upon her marriage, whichever is later. Since she is not inclined to marry, she filed the present application to tranfer the said amount along with accrued interest to her account. After hearing the submission made by the learned counsel appearing for the petitioner, this Court directed Ms.M.Minisha to appear before this Court through video conference on 12.07.2023.

4. As per the direction of this Court dated 10.07.2023, today, Ms.M.Minisha appeared through video conference from Amsterdam and submitted that she is 33 years old and she is not evincing interest towards marriage at present due to her personal reasons and she requires the money lying in F.D.R. A/c. No.TD/A/771571, dated 10.01.1998 to buy a property in India as well as in Amsterdam and hence, she filed the present petition through her mother.



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5.Considering the above submissions, this Court is inclined to modify Paragraph No.22 of the order dated 24.12.1997 in A.A.No.17 of 1996 to the extent to return the amount lying in F.D.R. A/c. No.TD/A/771571, dated 10.01.1998.

6.Accordingly, the Branch Manager, State Bank of India, Vadasery Branch, Nagercoil, Kanyakumari District is directed to transfer the amount of Rs.4 Lakhs along with the accrued interest, lying in fixed Deposit in F.D.R. A/c. No.TD/A/771571, dated 10.01.1998, present Account Nos. 31296880916 and 31067719574 to M.Minisha's account in A/c.No.10843304245 with the State Bank of India, Vadasery Branch, Nagercoil, Kanyakumari District, within a period of four weeks from today.

7.Accordingly, this application is allowed as prayed for. No costs.

12.07.2023

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