



WEB COPY



W.P.Nos.20138 & 20140 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.Nos.20138 & 20140 of 2013

W.P.No.20138 of 2013

Harvinder Kaur

.. Petitioner

VS

1.Indian Overseas Bank,
Adyar Branch,
Chennai – 20.

2.Jayadevi Krishnasamy
(R2 impleaded as per order dated
29.11.2016 in MP No.1/13 in WP 20138/13)

.. Respondents

W.P.No.20140 of 2013

Dalvindar Kaur

.. Petitioner

VS

1.Indian Overseas Bank,
Adyar Branch,
Chennai – 20.

2.Jayadevi Krishnasamy
(R2 impleaded as per order dated
29.11.2016 in MP No.1/13 in WP 20138/13)

.. Respondents

Petitions filed under Article 226 of the Constitution of India
praying to issue a writ of mandamus directing the respondent to
return the deposit amount morefully described in the schedule



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hereunder to the survivor, with interest up to date, and also to pay compensation for holding the amount endlessly without paying interest on the deposit amount to the survivor.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.F.B.Benjamin George for R1
No appearance for R2

COMMON ORDER

A common order is passed in these two writ petitions since the relief sought and the factual matrix involved is more or less one and the same in both writ petitions.

2. In W.P.No.20138 of 2013, the petitioner is an individual who claims that an amount of 30,000 \$ has been deposited in the joint names of herself, one K.Sangarapillai and one Late Sukwindar Singh during the year 1996 under FCNR RDP 17/96.

3. In W.P.No.20140 of 2013, the petitioner, an individual, claims that an amount of 30050.28 £ was deposited in the joint names of herself, Late K.Sangarapillai and Late Sukwindar Singh in 1996 in FCNR FDR No.1/1994 and another sum of Rs. 55,000/- in the name of Late K.Sangarapillai, Late Sukwindar Singh and herself



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in 1996 in a Non-Resident / Non-Repatriation (NRNR) RSFD (M) bearing No. 12/96.

4. The prayer in both the writ petitions is for a mandamus directing the respondents / the Indian Overseas Bank, Adayar Branch, to return the amount to the respective petitioners, the 'survivors' under the deposits, with interest as well as compensate them for the accounts being held thus far by the Bank.

5. There is a twist in the tale since an individual by name Mrs.Jayadevi purporting to be the wife of Late K.Sangarapillai had filed a suit in the City Civil Court, Chennai in O.S.No.12494 of 1996 seeking injunction against the Bank from disbursing the deposited amount. It is this, the Bank had held on to the amount.

6. The affidavit filed in support of the writ petitions states that the aforesaid original suit was disposed for default of Mrs.Jayadevi. Neither the date of dismissal nor a copy of the order have been produced before the Court.

7. Thus and to ascertain her stand, Mrs. Jayadevi Krishnasamy was impleaded as R2 by order dated 29.11.2016.



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Notice was issued and petitioners directed to effect service. The cause-list reflects batta due and hence service is not complete on R2.

8. In light of the fact that the writ petitions are pending for nearly a decade, this Court is not inclined to delay the disposal of the same merely on the aforesaid score. Due directions have been given in the paragraphs to follow that protect the interest of R2 as well.

9. Mr.F.B.Benjamin George, appearing for the Bank, has confirmed that, after some effort, the Bank has traced all three deposits. They however submit that in light of the Deposit Education and Awareness Fund Scheme, 2014 (in short 'Scheme') two FCNR deposits have been transferred to the Reserve Bank of India whereas one deposit remains with the Bank.

10. The scheme guidelines stipulate that an applicant whose deposits have been transferred to the Reserve Bank of India on being unclaimed for a long period of time, may approach the Bank for return of the deposits and upon the individual / entity satisfying the bank of their claim, the bank has to repay the customer along



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with applicable interest and thereafter lodge a claim for refund of that amount from the Reserve Bank of India fund.

11. In light of the aforesaid discussion, this Court is not inclined to issue mandamus as sought for. The writ petitions are thus dismissed though with liberty as above. No costs.

12. Though the Bank has confirmed that the deposits have been identified, there is a glitch as the records of the Bank reflected the names of the petitioners as 'Harvinder Kan' and 'Dalvindar Kan'.

13. On instructions, Mr.F.B.Benjamin George fairly accedes to the possibility of as typographical error. However, these facts are to be verified by the Bank that has to satisfy itself that the petitioners / claimants are in fact their customers as per their records. Necessary enquiries will be made with R2 as well, prior to a decision being taken in this regard. Let the records of the Board reflects the detailed measures taken in this regard for all future reference as well.



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14. Liberty is granted to the petitioners to approach the Bank, satisfying it as to their identity and thereafter reiterate their request as made before this Court. Let such request for refund and repatriation be disposed within four weeks from the date of the petitioners presenting themselves before the Chief Manager / Manager of the respondent Bank in accordance with law and applicable Guidelines and Regulations of the Reserve Bank of India.

09.02.2023

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Indian Overseas Bank,
Adyar Branch,
Chennai – 20.



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DR. ANITA SUMANTH,J.

ssm

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