IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17696 and 17698 of 2020

C.Reena ... Petitioner in W.P.No.17696 of 2020

C.Geetha ... Petitioner in W.P.No.17698 of 2020

Vs.

The Repatriates Co-operative Finance and
Development Bank Limited,
Represented by its Manager,
No.112, Thiyagaraja Road,
T.Nagar,
Chennai- 600 017. ... Respondent in both W.Ps'

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to repay the maturity value of Rs.1,00,000/- for Bond No.008369 and Bond No.008370 respectively dated 02.09.1994 issued by the respondent to the petitioners.

For Petitioners
in both W.Ps' : Mr.J.Raja Rao
For Respondent
in both W.Ps' : Mr.A.Ilangovan

COMMON ORDER

These Writ Petitions have been filed for a direction to the respondent to repay the maturity value of Rs.1,00,000/- (Rupees One Lakh only) to each petitioner of Bond Nos.008369 and 008370 respectively dated 02.09.1994 issued by the respondent to the petitioners.

2. The case of the petitioners is that the respondent to commensurate the occasion of their Silver Jubilee Celebration offered and invited to invest in bonds and based on the invitation, the petitioners' father paid money and the respondent issued bond on the petitioners name under “REPCO Silver Jubilee Bond”. The respondent issued the bond with a price of Rs.2,600/- (Rupees Two Thousand and Six Hundred only) in the year 1994 with a maturity value of Rs.1,00,000/- (Rupees One Lakh only) and the date for maturity of the bond is on 30.11.2019. However, their father died on 28.04.2017 and after their father's death, they came to know that the

Bond dated 02.09.1994 issued in their name got matured. Hence, the petitioners approached the respondent to get the maturity value, but the respondent failed to provide the details. Therefore, on 12.08.2020, they sent a representation to the respondent claiming to give the maturity value of Rs.1,00,000/-. After considering the same, the respondent, on 04.09.2020, sent a reply stating that the respondent withdrew the scheme during the year 2002 itself and the same was informed to the customers. But the petitioners have not received any communication from the respondent regarding the closure of the bond and it is the duty of the respondent to protect its customers by providing genuine details about the closure of the bond if any. Further, the respondent in its reply dated 04.09.2020 has informed the petitioners that "as a customer welfare measure and to ensure your continuous relationship with our bank, we are refunding a sum of Rs.17,023/- (Rupees Seventeen Thousand and Twenty Three only) as an interest upto 31.08.2020 for your RSJB Bond Nos.008369 and 008370" Hence, the petitioners have filed these Writ Petitions with the aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that the petitioners are daughters of late Chinnathambi, out of love and affection, the petitioners' father had invested a sum of Rs.2,600/- at the infant age of the petitioners in order to assure that the bond amount will be helpful to the petitioners in future. Accordingly, the petitioners' father invested the amount with the respondent Bank in the year 1994 and the bond period is 25 years. As per the bond condition, the petitioners' father entitled to enhance the bond value at the end of five years, however, he has not enhanced the amount and he waited till 25 years for maturity. The petitioners' father died in the year 2017 and the bond matured on 2019 and even thereafter, the amount was not returned to the petitioners is unsustainable. Accordingly, he prayed for allowing these Writ Petitions.

4. The learned counsel appearing for the respondent Bank would submit that there was a huge recession in the year 2001 and the respondent Bank as per the direction issued by the RBI, they decided to withdraw the bond and accordingly, they withdraw this scheme. However, the scheme was

introduced in the year 1994 and got discontinued and the petitioners are entitled to collect only Rs.17,023/- from the respondent Bank. Accordingly, he prayed for dismissal of these Writ Petitions.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, the petitioners' father had deposited a sum of Rs.2,600/- in the Repco Silver Jubilee Bond on 02.09.1994 with assurance that the petitioners will be entitled to receive the maturity value of Rs.1,00,000/- (Rupees One Lakh only and the maturity date is 30.11.2019. The above stand was clearly stated in the bond issued by the respondent bank. Admittedly, the bond expired on 30.11.2019. Even thereafter, the respondent Bank is not ready to pay the amount to the petitioners is unsustainable and the petitioners being women are eagerly waiting for their father's investment after expiry of 25 years. Hence, this Court is inclined to dispose of these Writ Petitions with the following directions:

"(i) The respondent Bank is directed to disburse the maturity value of Rs.1,00,000/- (Rupees One Lakh only) to the each petitioner with interest at the rate of 6% from 30.11.2019 within a period of four weeks from the date of receipt of a copy of this order, failing which, the respondent Bank shall pay interest at 12% from expiry of the four weeks as ordered by this Court till the date of paying the amount.

(ii) The petitioners are directed to produce the ID proof along with the original bond to the respondent Bank."

7. With the above directions and observations, these Writ Petitions are allowed. No costs.

23.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The Manager,
The Repatriates Co-operative Finance and
Development Bank Limited,
No.112, Thiyagaraja Road,
T.Nagar,
Chennai- 600 017.

M.DHANDAPANI, J.

vji

W.P.Nos.17696 and 17698 of 2020

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