

Tausif Ali Vs The State of Jharkhand

Court: Jharkhand High Court

Date of Decision: Dec. 19, 2009

Citation: AIR 2010 Jhar 108 : (2010) 1 BC 671

Hon'ble Judges: Dabbiru Ganeshrao Patnaik, J

Bench: Single Bench

Judgement

D.G.R. Patnaik, J.

It appears that despite service of notice upon the respondent Bank namely, respondents 2 to 4, they have not appeared in this case to offer contest to the claim raised by the petitioner and for the grant of relief, prayed for by the petitioner, in this writ application.

2. From the perusal of the writ application as also from the submission of the learned Counsel for the petitioner, it appears that from the saving

from the daily earnings of the petitioner's father, deposits of amount were made by the petitioner's father in the name of the petitioner, with the

Daltonganj Co-operative Bank Limited.

3. As per the terms of the deposit, the period of fixed deposits was for one year and on the date of maturity, the amount of the fixed deposits

together with interest accrued, was to be paid to the nominee.

4. The fixed deposits claimed to have been made with the respondent Bank, as per the copies of the deposit receipt annexed to the writ

application, are as follows:

Receipt No.	Date	Amount Deposited	Maturity Value	Period	Date of Maturity
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005078	16.08.2001	Rs. 36027/-	Rs. 3854b/-	12 months	16.08.2002
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005080	16.08.2001	Rs. 27125/-	Rs. 29023/-	12 months	16.08.2002
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005083	19.09.2001	Rs. 27125/-	Rs. 29023/-	12 months	19.09.2002
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5. Upon maturity of the fixed deposits, when the demand for payment of the amount was made, the Manager of the respondent Bank refused to

make payment. The petitioner thereafter approached the Registrar, Co-operative Societies since the Bank was registered under the Co-operative

Society Act, but the Registrar also did not entertain the petitioner's claim.

6. The petitioner has prayed for a direction upon the respondent Bank to pay the maturity amount of the fixed deposits to the petitioner together

with interest at the rate of 12% per annum on the maturity value of each of the fixed deposits.

7. Learned Counsel for the petitioner submits that in identical cases, when the maturity amount of the fixed deposits made by several other

customers of the Bank was not paid, they had filed individual writ applications before this Court which were disposed of with a direction to the

respondent Bank to release the entire maturity value of the fixed deposits, within the period stipulated in the orders and pay the same to the fixed

deposit receipt holders.

8. Learned Counsel has referred, in this context, to the orders passed by a Bench of this Court in W.P.(C) Nos. 5552 of 2002, 5532 of 2002 and

5553 of 2003.

9. As stated above, despite receipt of notice, the respondent Bank has not appeared to offer contest to the prayer of the petitioner or dispute the

pleadings as made in this writ application.

10. From the copies of the fixed deposits receipt, it does appear that the deposits of various amounts were made in the name of the petitioner with

the respondent Bank, and therefore, the date of maturity of the fixed deposits had long lapsed, yet the payment of the maturity value has not been

made by the respondent Bank.

11. In the light of the above facts and circumstances, the respondent Bank is directed to pay the maturity value of the fixed deposit referred to

herein-above, to the petitioner along with interest calculated at the rate of 6% per annum on the maturity value, within four weeks from the date of

receipt of a copy of this order.

With these observations and directions, this writ application is disposed of.

Let a copy of this order be forwarded to the Managing Director of the respondent Bank and a copy be also given to the counsel for the petitioner

who may submit the same before the Managing Director of the respondent Bank.