

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 17TH DAY OF JANUARY 2003

BEFORE

THE HON'BLE MR. JUSTICE M.F. BALDANHA

C.R.P. 4263/2002

BETWEEN

Smt. Sahedabi
w/of. late Ranzan
aged about 38 yrs.
Nandagi, Bagloor Post
Bijapur.

PETITIONER

(By Sri Giridhar, H., Adv.)

AND

Nil

(Note: In the present proceedings since no relief is sought as against any of the respondents before the Tribunal, they are not made parties herein)

C.R.P. is filed u/S.115 of CPC. against the order dt. 30.8.02 passed in M.V.C. No. 790/98 on the file of the Dist. Judge & Member, MACT - II, D.K., Mangalore ordering that the amount deposited by the Insurance Company in the Court below to be invested in S.B.I., Mallikatta Branch etc.

C.R.P. coming on for admission this day, Court made the following:-

ORDER



ORDER

On a perusal of the record I find that the Tribunal had directed the Vijaya Bank, Jeppu Branch to refund the amount of Rs.20,000/- which had been deposited on 18.9.1999. I find something strange from the record namely that in June 2000 when the Tribunal recalled that deposit after almost three years, the bank has returned a sum of Rs.19,661/-. Under the rules even in a case of premature withdrawal the bank could have only deducted the prorata interest while refunding the amount and could never have refunded an amount less than the original principal. Tribunal to take up the matter with the manager of the bank and ensure that the entire amount that has been wrongly deducted is refunded to the Tribunal. From the material placed before this Court, the identity of the Petitioner-Wife Sahedabi to claim the amount is established. It is unnecessary to insist on her going through the formalities of producing a succession certificate. The amount in question may be released to her. The revision succeeds and stands disposed of. No order as to costs.

Sd/-
Judge

GS/-