



Order below Exh.104 in
Special Darkhast No.30/2019

(M/s. C.R. Constructions etc. Vs. Maharashtra Jeevan Pradhikaran etc.)

- (1). Perused the application, say of other side at Exh.105, heard D.H. in person and counsel for J.Ds'. Gone through the record.
- (2). In short, it is the contention of D.H. in this application that the Manager, State Bank of India has stated that the interest accrued can be withdraw before maturity, therefore he prayed to attach the interest in S.T.D.R. account and direct the Manager to deposit the interest amount on it in this Court.
- (3). J.Ds' filed their say at Exh.105 and strongly objected to this application. They contended that there is no provision to withdraw the accrued interest before maturity from S.T.D.R. account as per Banking Regulation Act. There is no record as to how much interest amount is under S.T.D.R. account on the date of application. The Bank Manager of State Bank of India has not stated a particular amount or rate of interest, they prayed to reject the application.
- (4). This Court in order below Exh.81 has observed that the interest on S.T.D.R. A/c.36977284564 in respect of Bank Guarantee 36977577887 cannot be attached, due to that it is not clear whether interest use to be accrued on the said Fixed Deposit is use to be applied by Bank against the amount for which the Bank has issued the Bank Guarantee or J.Ds' are entitle to withdraw the accrued interest on that Fixed Deposit amount or whether the Bank Guarantee is furnished on the basis of payment of percentage of amount per annum on the amount for which the Bank has issued Bank Guarantee. After this order

the D.H. filed an application at Exh.89 and had called explanation about it and the Bank Manager, State Bank of India, Br.Ganpati Temple, Sangli appeared and furnished explanation vide Exh.100 and in it stated that the interest amount can be given to J.Ds' before maturity accumulated on S.T.D.R. A/c.36977284564, in respect of Bank Guarantee 36977577887, therefore the interest accrued on S.T.D.R. A/c.36977284564 can be attached. Therefore, I proceed to pass the following order.

ORDER

1. The interest accrued on S.T.D.R. A/c.36977284564 is hereby attached.
2. State Bank of India, Branch Ganpati Temple, Sangli is hereby directed to deposit the interest accrued on S.T.D.R. A/c.36977284564, till today in this court as per Order 46 Rule 30 of Code of Civil Procedure on or before next date.
3. J.Ds' are hereby prohibited from recovery of interest from S.T.D.R. A/c.36977284564 from State Bank of India, Br.Ganpati Temple, Sangli. State Bank of India, Br.Ganpati Temple, Sangli is hereby prohibited from making payment of the interest on S.T.D.R. A/c.36977284564 to J.Ds' as per Order 21 Rule 46(1)(i) of Code of Civil Procedure, 1908.
4. Issue a letter accordingly to State Bank of India, Br.Ganpati Temple, Sangli.
5. No order as to costs.

Sangli.
Date : 02/05/2022.

(L.D.Huli)
Civil Judge Sr.Dn., Sangli.

CERTIFICATE

I affirm that, the contents of this P.D.F. file are same, word to word as per the original order.

Name of Stenographer : G.S.Parve

Court : Civil Judge Sr.Dn., Sangli

Date : 02/05/2022

Signed by the Presiding Officer : 02/05/2022
on

Uploaded on : 05/05/2022