

ORDER BELOW EXH.1 IN MACMA NO.786/2021

1. The present applicant has preferred this application to withdraw the fixed deposit amount lying in the name of original claimant Harkhuben Manabhai Ranavasiya with the Oriental Bank of Commerce, Palanpur Branch for five years. That the maturity date of the fixed deposit is dtd.09/01/2023.

2. It is submitted by the learned Advocate Shri B.P.Ranavasiya that original applicant had filed M.A.C.P. No.198/2009 and the same has been decided and Rs.1,13,059/- has been deposited as fixed deposit in the name of original applicant for five years. In the meanwhile, the original applicant- Harkhuben Manabhai Ranavasiya has expired on 14/05/2021. Therefore, present applicant being widow and legal heir of the deceased has filed present application to withdraw the fixed deposit amount lying in the name of deceased prematurely. The applicants no.2 to 9 vide their affidavit at mark-3/7 have stated that they have no objection if the entire amount fixed deposit lying in the name of deceased be given to applicant no.1. In support of their submission, the applicants have relied on the documentary evidence produced vide Mark-3/1 to Mark-3/7 respectively.

3. Heard, learned Advocate Shri B. P.

Ranavasiya for the applicants and perused the documentary evidence produced vide Mark-3/1 to 3/7 respectively. Perusing the record, it reveals that neither any appeal nor any revision has been filed by the parties before the Higher Court. It reveals that original claimant Harkhuben Manabhai Ranavasiya has expired on 14/05/2021. It further reveals that fixed deposit was invested on 09/01/2018 and would mature on 09/01/2023. It further reveals that the applicants are the legal heirs of deceased. It further reveals applicants no.2 to 9 have filed their affidavit at mark-3/7 declaring that if their share be given to present applicant no.1, then they have no objection. It is further relevant to observe that original beneficiary of the fixed deposit has expired and so, proceeds of fixed deposit is no more likely to serve him and therefore, at this stage, it would be appropriate to give the amount of fixed deposit to applicants so that they can utilize it according to their needs. Therefore, considering the facts and circumstances of the case, this tribunal is of the opinion that amount of fixed deposit along with interest accrued thereon instead of maturity amount lying in the name of deceased-Amrutbhai Kalubhai Parmar is required to be paid to the applicant no.1 and accordingly, the following order is passed :-

O R D E R

The present application is hereby allowed.

An amount of Rs.1,13,059/-which is fixed in the name of deceased- Harkhuben Manabhai Ranavasiya and is lying with the Oriental Bank of Commerce,(Now Punjab National Bank) Palanpur Branch alongwith interest accrued thereon instead of maturity amount is ordered to be paid to the applicant no.1-Hansaben Ramjibhai Ranavasiya after due verification.

Necessary Yadi be sent to the concerned bank.

Signed and pronounced on today on this 22nd day of October, 2021.

Date:22/10/2021
Place:Palanpur.

(Robin P. Mogera)
Chairman
M.A.C.T. (Aux.),
B.K.District @ Palanpur
(Code No.GJ.01539)