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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 2208/2012**

UMESH SIROHI

..... Plaintiff

Through: Counsel for the plaintiff (Appearance
not given)

versus

RANI VARMA

..... Defendant

Through: Counsel for the defendant
(Appearance not given)

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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07.12.2022

I.A. 20635/2022 (condonation of delay)

The instant application has been filed on behalf of the applicant seeking condonation of delay of one month in filing the I.A. 20634/2022.

For sufficient cause being shown in the application, the application stands allowed and the delay in filing the said application is condoned.

Accordingly, the application stands disposed of.

I.A. 20634/2022

1. By way of this application, the applicant, Puneet Verma, prays for the following reliefs and directions to the respondent, i.e., the Indian Bank, Corporate Office, Chennai:



“It is, therefore, most respectfully prayed that this Hon’ble Court may kindly be pleased to direct the respondent/Bank to release the FDR amount to the applicant, vide FDR Certificate No. 0143973, in the interest of justice.

Any other relief (s) which this Hon’ble Court may deem fit and proper in the circumstances of the present case may also be passed in favour of the applicant and against the respondent.”

2. Learned counsel for the applicant submitted that the plaintiff Umesh Sirohi filed the captioned Civil Suit against the defendant Rani Varma before this Court, which came to be amicably settled. The defendant was handed over a Bank Draft of Rs. 20 lakhs dated 14th May, 2015 in her name and two FDRs of Rs. 12 lakhs each dated 12th May, 2015 in the name of her two minor sons, Puneet Varma, applicant herein, and Pawan Varma, which were to be released to them upon attaining the age of majority. The defendant in the captioned suit, filed an application before this Court for release of the FDR amount to the applicant, Puneet Varma, who attained majority in March, 2022. A Coordinate Bench of this Court in I.A. No. 11733/2022 vide order dated 27th July 2022 ordered that the FDR may be released to Puneet Varma upon proper identification.

3. It is submitted that prior to the applicant attaining the age of majority, the original FDR No. 0450051 had been misplaced and the defendant approached the respondent Bank, i.e., Indian Bank, for generation of a duplicate FDR Certificate in the name of the applicant. After completion of the formalities and submission of the requisite documents, the respondent Bank issued a duplicate FDR Certificate No. 0143973 in the name of the applicant. Accordingly, the applicant approached the respondent Bank alongwith copy of the order dated 27th July, 2022 of the Coordinate Bench



of this Court for release the FDR amount in his favour, where he was intimated the amount could not be released to him since as per the record, there was a duplicate FDR bearing no. 0143973 reflecting the same amount, whereas in the order dated 27th July 2022 the FDR No. 0450051 was specified.

4. Therefore, it is prayed on behalf of the applicant that the respondent may be directed to release the said FDR amount with FDR Certificate No. 0143973 instead of FDR No. 0450051 as directed in the Order dated 27th July, 2022 which stands matured on 28th May, 2022 to the applicant.

5. The learned counsel appearing on behalf of the non-applicant has not opposed to the prayer made on behalf of the applicant.

6. This Court has perused the order dated 27th July 2022 and has found that the Coordinate Bench of this Court had passed directions for release of the FDR No. 0450051 in the name of the applicant, however, as per the submissions made on behalf of the applicant, it is clear that a duplicate FDR was made of the same amount bearing No. 0143973 which stands matured upon the applicant attaining the age of majority.

7. Keeping in view the aforesaid facts and circumstances, the submissions on behalf of the applicant and no objection from the non-applicants, this Court finds it apposite that the instant application may be allowed.

8. Accordingly, the amount of the duplicate FDR Certificate bearing No. 0143973 be released to the applicant, Puneet Verma, upon necessary verification and identification.



9. With the aforesaid directions, the application stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 7, 2022

gs/ak

Click here to check corrigendum, if any