

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7842 of 2021**

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SHAMMI CHADHA W/O LATE JITENDRA KUMAR CHADHA

Versus

BANK OF BARODA

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Appearance:MR DANNYSON K MACWAN(9927) for the Petitioner(s) No.
1,2,3MR. ARCHIT P JANI(7304) for the Petitioner(s) No.
1,2,3

SHRUTI G PASI(9306) for the Petitioner(s) No. 1,2,3

MR DARSHAN PARIKH with MR BHASKAR SHARMA(9209) for
the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI**Date : 05/09/2023****ORAL ORDER**

1.Learned advocate Mr. Anand Mishra for learned advocate Mr. Archit P. Jani appearing for the petitioners state that he wants to implead Mr.Vijay Verma who is joint owner of the FDR as respondent No.2. He places on record a draft amendment seeking permission to implead Mr.Vijay Verma as respondent No.2. The said Draft amendment is taken on record and the same is granted. To be carried out forthwith.

2. In view of that issue **NOTICE** to newly added party respondent No.2 – Mr. Vijay Verma returnable on **27.9.2023**. Direct service is permitted.

3. In the meantime, it is submitted by learned advocate Mr. Mishra that as per the affidavit filed by the bank and more particularly as per page No.328, the bank is having an amount of Rs.1,89,186/- plus arrears amount if any, on account of wage revision, in respect of leave encashment for which there is no nomination. Similarly, another amount of Rs.1,86,084/- plus arrears amount if any, on account of wage revision, towards additional retirement benefit, for which also there is no nomination as per the record and therefore, before next date of hearing atleast that amount for which there cannot be any claim by the said Mr. Vijay Verma be processed and paid to the petitioner. According to learned advocate Mr. Mishra an application seeking disbursement of the

aforesaid amount is already made by the petitioners.

4. Learned advocate Mr. Darshan Parikh appearing with learned advocate Mr. Bhaskar Sharma states that whether any application is received or not by the bank is a matter to be verified at the end of the bank. However, in case if the application is received, in that case, the same will be processed and amount will be disbursed as per the entitlement of the petitioners in accordance with law. In case if, any application by the petitioner is not received by the bank in that case, since this petition itself agitates the issue about reimbursement of the amount, according to this Court, no such formal application is required and bank may after verifying the aforesaid claim of the petitioner may process the same and disburse the amount in favour of the petitioners before the next date of hearing in accordance with law.

5. As far as, the claim of the petitioners in

respect of the interest on the amount of gratuity which is already paid by the bank according to the petitioners, a representation is already made by the petitioners. Even this claim is also disputed by learned advocate Mr.Parikh about any pending representation in respect of payment of interest on account of gratuity which is already paid, in that case, the petitioner is directed to make fresh representation to the bank seeking interest on the amount of gratuity, even through email, within a period of one week from today. As and when, such representation is made, the same may be proceeded in accordance with law and if, the petitioners are found to be entitled for interest on the amount of gratuity before next date of hearing, the amount may be disbursed in favour of the petitioners. In case if, the petitioners are held to be not entitled for the interest or are held to be entitled but some formalities are to be performed for getting that interest, in that case, for non-payment of

interest or non-disbursement of interest, the bank is directed to pass a reasoned order stating reasons. This entire exercise is directed to be completed before next date of hearing. Stand over to 27.9.2023.

(NIRZAR S. DESAI,J)

Pallavi