
(2008) 01 JH CK 0023
In the Jharkhand High Court

Rahmati Khatoon

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 30-01-2008

Acts Referred:

Citation : (2008) 3 JCR 309a

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard the parties finally.

2. The petitioner has filed this writ petition for a direction upon the respondents to pay the maturity value of Laxmi Deposit Scheme amounting to Rs. 27,125.00/- under Deposit Receipt No. 005060 matured on 15.9.2000 with the respondent bank with future interest at the rate of 12% per annum from the date of maturity till the date of payment.

3. Counsel for the petitioner relied on the order passed on 8.8.2003 in WP(C) No. 5552 of 2002 Ashraf Ali etc.

4. Mr. M.K. Roy, appearing for the respondent-Bank, submitted that when the said order was passed in the case of Ashraf Ali (supra), only the licence to carry on Banking business was cancelled but thereafter the Bank has gone under liquidation and the Deputy Commissioner, Palamau has been appointed as official liquidator. In support of his contention, he produced a copy of the notification issued by the office of the Registrar. Co-operative Societies. Jharkhand, Ranchi dated 18.7.2005. He lastly submitted that a similar order passed on 5.7.2007 in WP(C) No. 5550 of 2002-Mohammad Ali etc. can be passed: and that now it will not be possible to comply with the order similar to the order of Ashraf Ali (supra) as the bank is now under liquidation. He further submitted that petitioner will be treated as a secured creditor and the Reserve Bank of India is releasing amounts in favour of the Bank in order to enable it to pay to the depositors and, therefore, it will be proper if the petitioner files her claim before the official

liquidator-Deputy Commissioner, Palamau.

5. In the circumstances, Mrs. Patra submitted that an order similar to the order passed in the case of Mohammad Ali (*supra*) may be passed in this case also. Accordingly, the petitioner is permitted to withdraw this writ petition with liberty to file a claim before the official liquidator-Deputy Commissioner. Palamau.