

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.63 of 2024

Smti. Anjali Acharjee

.....Petitioner

-V-E-R-S-U-S-

Punjab National Bank & Another

.....Respondents

For Petitioner(s)	:	Mr. S. Lodh, Advocate.
For Respondent(s)	:	None.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

02.02.2024

Heard Mr. S. Lodh, learned counsel appearing for the petitioner.

The present petition has been filed under Article-226 of the Constitution of India for a direction to the respondents to remit the money lying in S.B. A/c No.0259010108815 in the name of the deceased, Tarubala Goswami to the S. B. account of the petitioner lying with State Bank of India, Gandhigram Branch in pursuance with the registered WILL dated 14.05.2018.

The petitioner has prayed for the following reliefs:

- i. Issue rule, calling upon the respondent, to show cause as to why a writ of Certiorari and/or in the nature thereof, shall not be issued for calling for the records, lying with the respondents, for rendering substantial and conscionable justice to the petitioner.
- ii. Issue rule, calling upon the respondent, to show cause as to why a writ of mandamus and/or in the nature thereof, shall not be issued for mandating/directing the respondents to remit the money lying in S. B. A/c No. 0259010108815 in the name of the deceased, Tarubal Goswami, to the S. B. account of the petitioner bearing No.11785264516 lying with State Bank of India, Gandhigram Branch, in pursuance with the registered Will dated 14.05.2018.
- iii. Call for the records, appertaining to this petition.
- iv. After hearing the parties, be pleased enough to make the rule absolute in terms of the above.
- v. Costs of and incidental to this proceeding.”

The case in brief is that the petitioner is the sister-in-law of late Tarubala Goswami. During her life time, she executed a registered WILL on 14.05.2018 bequeathing all her movable and immovable properties to the petitioner. In terms of the WILL dated 14.05.2018, she made claim for releasing

the money lying with the account of said Tarubala Goswami, but the respondent bank neither paid the money nor gave any reply.

Hence, the present petition has been filed before this Court for redress.

In view of above and after hearing the submission of the learned counsel for the petitioner, this Court is of the opinion that the matter needs to be disposed of directing the respondents to consider the legal notice served by the petitioner. Accordingly, the same is order. The entire exercise shall be completed within a period of two months from the date of receipt of the copy of this order. However, it is made clear that this Court is cautious that no such direction on the point of expression of WILL and declaring the petitioner as legal heir or successor to the deceased person or to the bank account can be granted under Article-226 of the Constitution of India. The remedy lies to the petitioner for approaching before the appropriate forum for obtaining necessary direction.

However, it is not for this Court to go into this aspect. Hence, the only direction simpliciter is given to the respondent bank to issue suitable reply in accordance with law to the legal notice issued on behalf of the petitioner.

In that view of the matter, the present petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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