



Serial No. 24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 257 of 2024

Date of Decision: 23.05.2025

1.Smti. Rihuncy Swer
W/o (L) Alban Khonglah
R/o Laban, Streamlet Road,
Shillong, East Khasi Hills District,
Meghalaya

2.Miss Vanessa K. Swer
D/o (L) Alban Khonglah
R/o Laban, Streamlet Road,
Shillong, East Khasi Hills District,
Meghalaya

:::Petitioners

-Vs-

1.Axis Bank represented by the Branch
Manager, Police Bazar Branch, Shillong,
East Khasi Hills District, Meghalaya

2.HDFC Bank, IGP Branch represented by the
Branch Manager Shillong, East Khasi Hills
District, Meghalaya

3.Smti. Payal Khonglah
D/o (L) R.D. Pala
R/o Pine Mount Ridge, European Ward,
Shillong, East Khasi Hills District, Meghalaya

:::Respondents



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Bhattacharjee, Adv.

For the Respondent(s) : Mr. P. Das, Adv. (For R 1)
 Mr. S. Marpan, Adv. (For R 2)
 Ms. S.K. Nongrum, Adv. with
 Mr. A.M. Pala, Adv. (For R 3).

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

JUDGMENT AND ORDER (ORAL)

1. Heard Ms. P. Bhattacharjee, learned counsel for the petitioner, also heard Mr. P. Das, learned counsel for the respondent No. 1, Mr. S. Marpan, learned counsel for the respondent No. 2 and Ms. S.K. Nongrum, learned counsel for the respondent No. 3.

2. The petitioner is before this Court with a prayer for directions to issue to the respondents No. 1 and 2, to disclose the amounts lying in the Bank account of the deceased person (L) Alban Khonglah, who she claims is her husband.



3. It is submitted by Ms. P. Bhattacharjee, learned counsel for the petitioner that the Petitioner No. 1 was married to the deceased (L) Alban Khonglah, and that by virtue of her being the legal wife, as per custom is entitled to all the debts and securities left behind by the deceased person, as first claimant. It is further submitted that the Petitioner No. 2, is the daughter of the Petitioner No. 1, who was maintained and looked after by the deceased person, including her education and other requirements. She therefore submits that the denial of the Banks of the respondent No. 1 and 2, of the details have prevented her from filing an application for Succession for the said assets.

4. Mr. P. Das, learned counsel on behalf of the respondent No. 1 i.e. Axis Bank has submitted that the non-supply or disclosure of the amounts to the petitioner was due to the fact that she has not come forward with any materials to establish her right to the said amounts or shown that she is a legitimate claimant. He submits that in view of this, the Bank is not in a position to supply or disclose the amounts lying in the Bank Account.

5. Mr. S. Marpan, learned counsel for the respondent No. 2, HDFC Bank has also supported the arguments made by Mr. P. Das, learned counsel for the respondent No. 1, and has further submitted that in the case of the accounts of the deceased person lying with the respondent No. 2



Bank, the same has since been released to the respondent No. 3 on 16th May, 2024, and nothing remains with the said respondent Bank.

6. Ms. S.K. Nongrum, learned counsel appearing on behalf of the respondent No. 3, who is stated to be the sister of the deceased person (L) Alban Khonglah, submits that the alleged marriage of the petitioner itself to her brother, has never been established, and that in fact the said (L) Alban Khonglah, has also entered into another marriage with one, Smti. Baiana Nongsiej, who has not been made party in the instant proceedings. She further submits that the Petitioner No. 2, on concession of the fact that she is the offspring of her deceased brother, has been settled with substantial assets. She therefore submits that the entire matter being under a cloud, no right has accrued to the petitioner to claim for the amounts lying with the Respondent No. 1 Bank.

7. Mr. P. Bhattacharjee, learned counsel in her reply to the arguments made by the respondents has submitted that it is not a fact that the deceased (L) Alban Khonglah, had remarried and that as per Khasi customs, she was and is the only wife, and that her non-cohabiting with the deceased person was due to personal family issues. She therefore submits that orders be passed, directing the respondents to disclose the amounts, to enable her to file the required Succession Certificate.



8. This Court has heard the learned counsel for the parties and also perused the materials, which have been placed. From the submissions of the parties, it is patently clear that though the prayer seems innocuous, the facts surrounding the entire issues have been vehemently disputed by the respondent No. 3, even to the factum of whether the Petitioner No. 1, was ever legally married to the deceased person. The subject matter in issue before this Court being consequential and ancillary to the main facts which are yet to be adjudicated upon, the prayer therefore to the writ petitioner which rests on disputed facts cannot be entertained.

9. Accordingly, the writ petitioner is at liberty to avail of alternative civil remedy, to pursue her claim in accordance with law.

10. Matter accordingly stands closed and disposed of.

Judge

Meghalaya
23.05.2025
"D.Thabab-PS"