

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 666 of 2015

1. Rajkumar Bajpai S/o Rajnarayan Bajpai Aged About 62 Years R/o 14/ 1179, R- 3, Vinoba Nagar, Bilaspur, Tahsil And District- Bilaspur (Chhattisgarh).
2. Kiran Bajpai W/o Ratnesh Bajpai Aged About 60 Years R/o 14/ 1179, R- 3, Vinoba Nagar, Bilaspur, Tahsil And District- Bilaspur (Chhattisgarh).
3. Ku. Pragya Bajpai D/o Rajkumar Bajpai Aged About 12 Years (Minor) Through Natural Guardian Father Ratnesh Bajpai. R/o 14/ 1179, R- 3, Vinoba Nagar, Bilaspur, Tahsil And District- Bilaspur (Chhattisgarh).

---- Petitioners

Versus

1. Smt. Jyoti Bajpai Wd/o Late Manish Bajpai Aged About 28 Years R/o 14/ 1179, R-3, Vinoba Nagar, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh) Presently R/o Mangla Chowk, Bilaspur, Tahsil And District Bilaspur (Chhattisgarh). (Applicant)
2. General Public.
3. Branch Manager, Life Insurance Corporation Of India, Office Magarpara Road, Bilaspur (Chhattisgarh)
4. Branch Manager Uco Bank, Main Branch, Jai Stambh Chowk, Raipur (Chhattisgarh)
5. Branch Manager, Uco Bank, Raigarh (Chhattisgarh)
6. Branch Manager Uco Bank, Bus Stand, Bilaspur (Chhattisgarh)
7. Branch Manager, State Bank Of India, Railway Branch, Bilaspur (Chhattisgarh) (Non - Applicant No. 1 To 6)

---- Respondents

For Petitioners.	: Shri H. B. Agrawal, Sr. Advocate with Ms. Preeti Yadav.
For Respondent No 1.	: Shri Manoj Paranjpe, Advocate.
For Respondent No 7.	: Shri P. R. Patankar, Advocate on advance copy.

Order On Board

18/08/2015

Heard.

1. This petition is directed against the order dated 01.08.2015 by which the petitioner's application under Section 151 CPC for issuance of direction to non-applicant

No. 1 for redepositing the amount withdrawn from her account with the deceased has been rejected.

2. Learned counsel for the petitioner submits that during the pendency of application for grant of succession certificate, respondent no. 1 who herself applied for succession certificate, has withdrawn amount from the account standing jointly in the name of respondent no. 1 and her husband deceased Manish Bajpai. If the amount is withdrawn, it would amount to overreaching the proceeding in the matter of grant of succession certificate.

3. Considering the submission of learned counsel for the petitioner, at this stage, no such direction can be issued to respondent No. 1 to redeposit the amount which was withdrawn by her. It is ultimately upon final conclusion of the case as to whether respondent No. 1 is entitled to succession of the property of deceased Manish Bajpai, that appropriate direction can be issued.

4. It will be open for the petitioner to raise appropriate submission before the Court below with regard to directions which may be required to be passed in respect of the amount already withdrawn by the respondent No. 1 at the time of conclusion of the proceeding.

5. Accordingly, the petition is disposed off.

Sd/-

Manindra Mohan Shrivastava

Judge