

**THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 13320 of 2014 (O&M)
Date of decision: January 20, 2015

M/s Gurdev Trading Company

...Petitioner

Versus

State Bank of Patiala and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Jatin Salwan, Advocate,
for the petitioner.

Mr. Vikas Chathrath, Advocate,
for respondents.

K. KANNAN, J. (Oral)

1. The petitioner has a grievance that the account which is opened in the name of a petrol outlet run through its proprietor Gurdev Singh Garewal is stopped from being operated after the death of the proprietor and it is now being managed by his widow Harbans Kaur. The continuation of the dealership in the name of his wife has been approved by the ruling of the Division Bench in LPA No. 240 of 2012 and in the light of the judgment of the Division Bench, there could be no objection at the behest of the daughter on whose objection, operation of the account is reported to have been stopped. A representation had been given by the petitioner to the bank to apprise it about the nature of the order passed by the Division Bench allowing for her to operate the account, but it has not elicited any favourable

response.

2. The counsel for the Bank say that her daughter must be impleaded as a party. I do not see any logic for such a plea, for, it is not a case of the benefit of the account accruing to the legal representatives of the deceased account holder. The account was held in the name of the trading firm that was operated by the husband of the woman who has been allowed to continue the business after the death by order of the Division Bench. That ought to be taken as sufficient for the surviving widow the authority to operate the account without any of her own daughters making a claim on the amounts being credited to the account or a joint right to operate the same. The right to operate the account by the widow simply flows from the nature of the order that has been passed by this court to allow the widow alone to continue the petrol outlet which is run under the name Gurdev Trading Company.

3. The respondent bank has not been able to show as to how it is competent and proper to deny operation of the account held in the name of the petitioner's proprietorship concern which the widow continues after the death of her husband, who was the original proprietor. Grant of dealership is a personal right and if the right has been granted only to the widow, after the death of her husband, the petitioner will be competent to operate the banking account that stood in the name of the trading entity. If at all, any claim by a daughter could only be by means of a civil suit and the operation of the account that was stopped is not justified at all.

4. The writ petition is allowed and I mandate the 2nd respondent to allow the petitioner to operate the account in her capacity as proprietor of the trading company in the manner permitted to be done by the decision of

the Division Bench, referred to above. The petitioner will also be entitled to costs of Rs. 10,000/- against the respondents.

January 20, 2015
prem

(K.KANNAN)
JUDGE