IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20916 of 2014

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1. Abha Kumari @ Guriya Kumari daughter of Late Tilakdhari Ram and Late Heeramani Devi resident of village- Beri P.O Karanja P.S Bikram Dist- Patna.

.... Petitioner/s

Versus

1. Central Bank of India through the General Manager, Chandramukhi, Nariman Point, Mumbai.
2. The Regional Manager, Central Bank of India Regional Office, Block-B, 2nd Floor, Maurya Lok Complex, Dak Banglow Road, Patna 800001
3. The Branch Manager, Central Bank of India, Rajbanshinagar, Branch, Patna-1.
4. The Union of India through Finance Secretary, Finance Department Government of India, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate.
For the Respondent Nos. 1 to 3 : Mr. Ajay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL ORDER

3 16-05-2016 Heard the counsel for the petitioner and Mr. Ajay Kumar Sinha for the respondent –Central Bank of India (for short 'the Bank').

The petitioner is unmarried daughter of late Heeramani Devi whose husband had pre-deceased. She was in receipt of pension which was being credited in her SB Account no 3067259875 with the Rajbanshi Nagar Branch of the Bank . The holder of the account died on 11.7.2013 leaving behind three married daughters and the petitioner. The petitioner seeks a direction upon the respondent Bank to pay the amount standing in the said account together with interest to her as she is the valid nominee of the account of her mother.

The respondents have filed a counter affidavit detailing the procedure as also the relevant documents by which the application for opening of the account was filed by the deceased holder of the account. It appears, subsequently, an application for opening of the account in the joint names of the Mostt. Heeramani Devi as well as Abha Kumari (the petitioner) was filed but it was never authenticated/ signed by the account holder(s). If it was a pension account, I am afraid any such joint account could have been permitted to be opened.

On going through the papers enclosed along with the counter affidavit it does not appear to the Court that any valid nomination was made by the account holder in favour of the petitioner.

Mr. Vivek states that one of the sisters of the petitioner is ready to file an affidavit / no objection certificate in favour of the petitioner to the satisfaction of the respondent Bank. If that be so then this Court finds no difficulty on the part of the respondent- Bank to release at least 50% of the amount lying in the said account upon furnishing an undertaking to this effect or indemnity bond by the petitioner along with her sister, one of the other possible claimants of the amount in the account.

Let the petitioner along with her sister appear before the respondent-Bank and make appropriate application and furnish relevant papers such as no objection certificate/affidavit/undertaking/ the indemnity bond as required by the Bank whereafter the respondent- Branch Manager shall release 50% of the amount standing in the said account along with interest accrued thereon within two weeks of the furnishment of the papers/documents. Rest of the amount shall be paid to the claimant(s) in accordance with the extant Rule/ Regulation of the Bank. This disposes of the writ application.

(Kishore Kumar Mandal, J)

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