

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23188 of 2012

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1. Pramod Kumar Son Of Late Narayan Prasad Resident Of Mohalla Habibpur,
Police Station Sohsarai District- Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar
2. The General Manager, State Bank Of India Sector Of General Manager (Net Work-I) Local Head Office, West Gandhi Maidan Post Box No. 103 Patna 800001
3. The Regional Public Information Officer And Regional Manager, State Bank Of India, Regional Business Office, Biharsharif, Nalanda
4. The Regional Manager, State Bank Of India Regional Business Office, Begusarai
5. The Chief Manager, State Bank Of India Through Biharsharif Branch, Naisarai, Nalanda
6. Mostt. Navalaso Devi Wife Of Late Narayan Prasad Resident At Mohalla Habibpura P.S. Sohsarai Distt. Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Rabindra Prasad Singh
For the Respondent/s State :	Mr. Tej Pratap Singh, A.C. to G.P. I
For the Bank :	Mr. Kaushlendra Kumar Singh & Mr. Anjani Kumar Mishra.
For Respondent no. 6 :	M/S. Lakmesh Marvind & Rajnish Kumar

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 05-01-2016

Heard learned counsel for the petitioner, Mr. Marvind, learned counsel for respondent no. 6 and learned counsel for the respondent Bank.

Petitioner is one of the sons of respondent no. 6. His father had some deposits with the respondent State Bank of India. Upon his death the widow (respondent no. 6) filed a succession proceeding in the court of the learned District Judge, Nalanda at



Biharsharif vide Succession Certificate Case No. 04 of 2011. The Court vide order dated 6th July, 2011 (annexure-1) directed the Office to prepare succession certificate in the light of the findings in paragraph 7 thereof. Further from the succession certificate issued on 28th September, 2011, annexure-A to the counter affidavit of the respondents Bank, it appears that the same was issued in the name of respondent no. 6. On presenting the said certificate the Bank honoured and paid legal dues outstanding against Savings Bank Account of Late Narayan Prasad to his wife respondent no. 6. Petitioner, presumably, did not approach the Bank.

The writ application raises a grievance that the order dated 6th July, 2011 passed by the learned District Judge in the said succession certificate case has not been honoured.

The respondents Bank has taken a stand that the succession certificate was produced by respondent no. 6 which was issued in her name and as such the Bank paid the legal dues to her (widow of Late Narayan Prasad).

Having heard the parties, it appears that the petitioner did not approach the Bank with the succession certificate, if any, issued in his name or in the names of the widow and sons. On the other hand, respondent no. 6 produced the succession certificate issued under the hand and seal of the District Judge which was in her

favour. If the petitioner has any grievance with regard to the non compliance of the order which the court passed on 6th July, 2011, it will be open to him to approach the said Court for ventilation of the said grievance. So far as the present case is concerned, the Bank has honoured the succession certificate issued by the competent court and paid the legal dues. That apart, both the parties i.e. writ petitioner and respondent no. 6 are son and mother. It is expected of a son not to raise any such grievance of payment of the dues in the account of his father to his mother.

This writ application is, accordingly, disposed of.

(Kishore Kumar Mandal, J)

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