

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.1054 of 2016

ORDER:

This revision is directed against the order passed on 19.02.2016 in E.A.No.253 of 2016 in E.P.No.293 of 2015 in O.S.No.338 of 1997.

The petitioner herein is the judgment debtor. For executing the decree passed in O.S.No.338 of 1997, the decree holder moved E.P.No.293 of 2015. In that E.P., E.A.No.253 of 2016 is filed for issuing summons to the Chief Manager, State Bank of Hyderabad, Gunfoundry Branch, Abids, Hyderabad, to attend before the Court along with details of statement of Savings Bank account No.52117692663, an account which relates to the judgment debtor.

Learned counsel for the petitioner, Sri Kishore, would submit that under the Bankers Books of Account Act, there is no way a Banker can be compelled to disclose the information which was made available by a customer to it, otherwise than required by law. This apart, learned counsel for the petitioner would also urge that the account is a joint account held by the judgment debtor and another third party, who is having no connection whatsoever with the civil suit O.S.No.338 of 1997 and hence, the Banker cannot be forced to bring out information which is furnished to it in a fiduciary capacity.

So far as summoning the Chief Manager of a Branch of Bank is concerned, it may not be objected to on the grounds which have been urged before him. If the banker were to decline to disclose the information made available to it by a customer in a fiduciary capacity, such a banker can always decline to disclose any such information unless the said Banker is insulated against a possible fall out therefrom. Therefore, this is not the stage at which the objections raised by the learned counsel for the petitioner can be considered. I, therefore, do not see any reason to interfere with the exercise of jurisdiction carried out by the Court below in issuing summons to the

Branch Manager to appear in connection with the E.P. At any rate, the petitioner herein has a right to participate and then point out the objection which he has raised today when the witness enters the box. Hence, I do not find any reason to interfere with the order passed by the Court below.

Accordingly, the civil revision petition is dismissed.

Consequently, miscellaneous petitions, if any shall stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

11.03.2016
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