

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 2824 of 2017

Order:

Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

This Writ Petition was filed challenging the inaction of the respondents in transferring the Loan Account No.710200001979, which was standing in the name of the husband of the petitioner to the name of the petitioner consequent to the death of her husband. The husband of the petitioner worked as Professor of Law at National Law University, Jodhpur and the petitioner is presently working as Assistant Professor, Faculty of Management Studies at National Law University, Jodhpur. The husband of the petitioner died on 31.08.2015. After his death, she made oral and written requests for transfer of the loan account and simultaneously complying with the obligation of payment of monthly instalments. When the request for transfer of the loan account in her favour was not acted upon, in spite of receiving the monthly instalments causing loss to her in claiming deduction under the Income Tax Act, the present Writ Petition was filed.

Though a counter affidavit was filed by the second respondent, no tenable reason is shown for not transferring the account of the deceased husband to the petitioner's name even after receiving the monthly instalments. The only objection raised by the respondents is that the petitioner shall have the capacity to repay the instalments.

It is an admitted case that the petitioner has been paying the monthly instalments without fail till today and she is a working woman. Even if the loan account is not paid, the respondents are not without any

remedy to recover the amount. The present issue concerns the transfer of the loan account to the name of the petitioner, which is a natural consequence, consequent to the death of the husband of the petitioner. It is stated in the affidavit that the petitioner and her husband adopted a girl who is now aged about 6 years. Since she is a minor, there cannot be any objection for transfer of the loan account in the name of the petitioner.

In the circumstances, the respondents are directed to transfer the loan account standing in the name of the husband of the petitioner to the name of the petitioner forthwith. However, the release of documents relating to the property will be subject to further compliance of the procedures at the time of their release.

The Writ Petition is, accordingly, allowed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 22.02.2017
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