

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.44858 & 33621 of 2016

COMMON ORDER:

These two writ petitions, which are filed by the same petitioner, are being disposed of by this common order.

2. WP No.33621 of 2016 was filed challenging the action of the respondent Nos.2 and 3 in not taking any steps to recover the bank locker key bearing Locker No.13, Key No.2 from the 5th respondent, in spite of the written complaints dated 06.06.2016, 16.07.2016 and 10.08.2016.

3. WP No.44858 of 2016 was filed by the same petitioner challenging the action of the 2nd respondent in not allowing the petitioner to open the Locker No.13 and to enable him to deposit the currency notes of Rs.1000/- and Rs.500/- denominations lying in the said locker, into his savings account bearing A/c No.6421200018972, in view of the ban imposed on the said currency notes, in spite of his written representation dated 05.12.2016.

4. This court by order dated 23.12.2016 in WP No.44858 of 2016, directed the 2nd respondent to open the locker of the petitioner in his presence and if any amount is available in the locker of the petitioner, the 2nd respondent was directed to take the same into the saving account of the petitioner, as a deposit and issue a certificate to the petitioner herein and also made clear that the disbursement of the said amount will be subject to the result of the writ petition.

5. The 3rd respondent in WP No.44858 of 2016, who is claiming to be the sister-in-law of the petitioner (relationship is disputed by the

petitioner), submits that she filed OS No.2211 of 2016 on the file of the XXI Junior Civil Judge, City Civil Courts, Hyderabad, for issuance of a succession certificate, consequent to the death of one late Madhusudhan Amoori and the same is pending.

6. Admittedly, the said Madhusudhan is the brother of the petitioner. Now it is submitted by the 2nd respondent bank that the last date for exchange of currency notes and deposit money in the bank, had expired on 31.12.2016, but the Reserve Bank of India, extended the same up to 31.03.2017 in respect of certain cases and if the petitioner wants to utilize the said opportunity, he can avail the same.

7. It is stated by the petitioner that the bank locker is being operated under either or survivor and the petitioner is entitled under survivor clause.

8. Be that as it may, in view of the exigency of the situation, the 2nd respondent-HDFC Bank Ltd., is directed to open the locker in the presence of the petitioner and the 3rd respondent in WP No.44858 of 2016, and list out the inventory, including the currency notes available in the locker, to enable the petitioner to exchange the currency with the new denominations and obtain an undertaking from him that the currency so exchanged will be disclosed to the court of XXI Junior Civil Judge, City Civil Courts, Hyderabad, in pending proceedings. The 2nd respondent shall also make an inventory of the movables available in the locker and keep them in the locker. The petitioner shall give an undertaking that he will disclose the inventory in the pending proceedings initiated by the 3rd respondent and he shall not alienate or disburse the movables and shall maintain *status-quo* till the disposal of the suit, since the petitioner is admittedly a survivor. He shall continue

to have possession of the key and right to operate the locker. The rights of the parties will be subject to result in pending suit OS No.2211 of 2016 on the file of the Court of the XXI Junior Civil Judge, City Civil Courts, Hyderabad.

9. Both the writ petitions are accordingly disposed of. No order as to costs. Miscellaneous petitions pending if any, in these two writ petitions, shall stand closed in consequence.

Date: 28.02.2017
BSS

A. RAMALINGESWARA RAO, J

