IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11067 OF 2018

1 Champalal Motilal Kahate
Age: 48 years, occu: service,
R/o Plot No.220, Nandanvan Colony,
Aurangabad

2 Kanta Champalal Kahate,
Age: 48 years, occu: service,
R/o Plot No.220, Nandanvan Colony Petitioners

Versus

1 Union of India
through Chief Postmaster General
Maharashtra Circle,
2nd floor, Mumbai,
GPO Old Building, Mumbai 400 001

2 Postmaster General,
Aurangabad Region,
Nagar Naka, Aurangabad 431 001

3 Postmaster, Post Office-
Saving Bank, Begumpur,
Aurangabad Respondents

Ms. Neha B. Kamble & Mr. G.A. Raut advocates for petitioners
Mrs. S.S. Kulthe-Chintamani advocate for respondents.

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CORAM : **R.M. BORDE AND**
MANGESH S. PATIL, JJ

Date : 5TH OCTOBER, 2018

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken-up

for final disposal at admission stage.

3 Request is made, in the petition for permission to withdraw amount from the bank accounts maintained by Smt. Kusum S. Hajari, who is stated to be in unconscious state, since last one month and is admitted in intensive care unit of JJ Plus Hospitals, Pvt. Ltd. at Aurangabad. The bill for hospital charges issued by the Hospital on 2.10.2018 for an amount of Rs.4,40,359/- is annexed at Exhibit 'B'.

4 The patient Smt. Kusum Hajari is maternal aunt of petitioner No.2, whereas petitioner No.1 is the husband of petitioner No.2. It is stated In the petition that Smt. Kusum Hajari does not have any surviving near blood relation. Her husband has passed away on 23.5.1995 and the couple has no issue or any other blood relation. It is further stated in the petition that Smt. Kusum Hajari is residing with the family of the petitioners since last 20 years. Since the patient is in unconscious state, the accounts maintained by Smt. Kusum in the Post Office Saving Bank at Begampura, could not be operated. It is informed that an amount of Rs.3,00,000/- is available in account No.391891413; whereas a sum of Rs.60,000/- is available in account No.84188548523.

5 The petitioners contend that the aforesaid amount would be required for part payment of the hospital charges. The petitioners contend that a huge amount has already been spent by the petitioners towards hospital charges of Smt. Kusum Hajari and it would be difficult for them to bear further financial burden. In the circumstances, it is requested to permit the petitioners to withdraw the amount deposited in the aforesaid two accounts for being utilized towards hospital charges of the account holder. Our attention is invited to the relevant procedural norms for operation of the bank account laid down by the Reserve Bank of India on 25.2.1999. In terms of paragraphs No.4 and 5 of the norms, it would be permissible to operate the account by a near relation on completion of certain procedural formalities.

6 In the instant matter, it has not been stated as to whether directives issued by the Reserve Bank on 25.2.1999 would be applicable so far as the accounts maintained in the postal bank is concerned. However, certain directives in tune with the direction issued by the Reserve Bank of India on 25.2.1999 can be issued to meet the ends of justice. It is informed that so far as the second account i.e. the account maintained by Smt. Kusum Hajari is concerned, the son of the petitioners is recorded as the nominee. The petitioner No.2 can very well operate the account

on behalf of nominee who is a minor. Apart form this, so far as the first account is concerned, the petitioner No.2 shall have to be permitted, in the circumstances to operate the account and withdraw the amount for mitigating hospitalization charges/ liability. Petitioner No.2 can be permitted to withdraw the amount by imposing certain conditions so as to safeguard the interest of Postal Bank in the event of occurrence of any dispute. Petitioner No.2 shall furnish an indemnity bond for the amount sought to be withdrawn from the accounts of Smt. Kusum Hajari and on furnishing such indemnity bond, respondent postal bank shall permit withdrawal of the amount from both the accounts.

7 With the directions as above, writ petition is disposed of.

8 Rule is made absolute to the extent specified above.

9 There shall be no order as to costs.

(MANGESH S. PATIL, J) (**R.M. BORDE, J**)

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