

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.27161 OF 2006

ORDER:

Petitioners claim to be the legal heirs of one Pathan Jaleelkhan, who went to Kuwait to make out his livelihood. On account of occupation of Kuwait by Iraq, he returned to India and made a claim before the third respondent seeking compensation for his displacement on account of occupation of Kuwait by Iraq. The United Nations Compensation Commission at Geneva awarded total compensation of 4000 US\$. However, by the date of awarding compensation, he died on 04.04.1994. The respondent Bank was the designated Bank to disburse the compensation to the individuals. As per the directions of the third respondent, the petitioners opened a Special Account called 'SKC Account' in terms of the directions issued by the Special Kuwait Cell created in the Ministry of External Affairs. However, the respondent bank directed the petitioners to get a Succession Certificate and accordingly they filed O.P.No.1 of 1999 on the file of the Senior Civil Judge's Court, Rayachoty. *In spite* of grant of Succession Certificate by the learned Judge, the respondent Bank refused to open the account on the sole ground that the petitioners have not filed original passport of the deceased Pathan Jaleelkhan. Petitioners state that the original passport of the deceased was submitted before the revenue authorities at the time of earlier enquiry in the year 1994 and the same is not available with them. As such, they filed a certified copy of the passport, but the same was not accepted by the respondent Bank. The action of the first and second respondents in insisting the petitioners for production

of original passport for opening SKC Account for payment of compensation is questioned in this writ petition contending that when there are no rival claims, petitioners are entitled to receive compensation and rejection of the same by the first and second respondents is illegal and arbitrary.

2. Though the writ petition was admitted on 29.12.2006, no interim order was granted for the reason that both the interim relief and main relief are one and same. However, till date no counter affidavit is filed by the respondents.

3. The main relief sought for by the petitioners in this writ petition is a direction to first and second respondents to pay the compensation awarded to late Pathan Jaleelkhan bearing passport No.U001189, to his legal heirs i.e. petitioners herein.

4. The matter underwent several adjournments on 12.02.2015, 19.12.2015, 26.02.2015, 19.03.2015, 17.04.2015, 23.03.2018, 27.03.2018, 02.04.2018, 13.04.2018, 17.04.2018, 23.04.2018 and 30.04.2018. Today, there is no representation for the respondents either in the forenoon or in the afternoon sessions.

5. Hence, this Court is constrained to dispose of the writ petition directing the first and second respondents to pay the compensation awarded to deceased Pathan Jaleelkhan lying in the bank without insisting the petitioners for production of the original passport belonging to the deceased Pathan Jaleelkhan bearing No.U001189, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of.

7. Miscellaneous petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

(M.GANGA RAO, J)

4th June, 2018
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