HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.28495 OF 2018

ORDER :

This writ petition is filed challenging the action of the respondent bank in putting the petitioner's savings bank account as well as ATM on hold vide Bank Account No.32872928267.

It is the case of the petitioner that she is having Savings Bank Account No.32872928267 with the respondent Bank in Bapatla Branch, Guntur District. While so, when she went to the said branch to withdraw some amount, she was informed by the cashier that her account was put on hold. Immediately, she wrote a letter dated 11.07.2018, addressing the Branch Manager of the respondent bank with regard to the same. On 13.07.2018 the respondent bank gave reply to the petitioner's letter stating that her mother obtained personal loan of Rs.4,90,000/- on 22.11.2017 from the respondent bank; that petitioner's mother died on 25.01.2018 leaving a balance of Rs.5,06,564/- payable to the respondent Bank; that since petitioner is the legal heir, and since petitioner's son i.e. N.Kali Charan, is the nominee to the SBI Life Insurance Policy taken by the petitioner's mother, and since the SBI Life has processed the claim of insurance policy and credited an amount of Rs.4,00,000/- to the bank account of petitioner's son, they have put on hold the petitioner's bank account as well as ATM.

Aggrieved by the said action of the respondent Bank, present writ petition is filed.

The respondent Bank filed counter stating that the mother of the petitioner availed personal loan of Rs.4,90,000/- on 22.11.2017 from State Bank of India, Athota Branch, Guntur District; that the said loan was to be repaid from out of the salary payable to her; that unfortunately she expired on 25.01.2018 after availing the said loan facility, leaving a balance of Rs.5,06,564/- payable to the State Bank of India, Athota branch; that after noticing the account of the petitioner with transfer of funds of Rs.92,901/-, on 05.06.2018, it has put a hold on the petitioner's account on 07.07.2018; that thereafter by letter dated 09.07.2018, the State Bank of India, informed the said action and requested the petitioner to pay all the debt due and payable by her mother within a period of seven days. It is also stated that the respondent Bank through letter dated 13.07.2018 informed the petitioner of the action taken by the Athota Branch of State Bank of India; that thereafter withdrawn a sum of Rs.95,922/- from the petitioner's account to the loan account of her mother and released the hold permitting the petitioner to operate the savings bank account. It is further stated that the respondent bank acted in a bonafide manner for recovery of the debt due and payable by the mother of the petitioner and prays to dismiss the writ petition.

Heard learned counsel for the petitioner.

Learned Standing Counsel for respondent Bank submits that under bonafide impression that petitioner's son received the insurance amount for the death of petitioner's mother, the respondent bank kept the petitioner's account on hold and withdrawn an amount of Rs.95,922/- from the petitioner's account and credited the same to the loan account of petitioner's mother. He further submits that the respondent bank acted in a bonafide manner for recovery of the debt due and payable by the petitioner's mother.

In this case it is to be seen that petitioner is no way connected with the loan obtained by her mother, neither stood as surety in respect of the loan obtained by her mother. Even if petitioner's son claimed the amount towards the SBI Life Insurance in respect of death of petitioner's mother, it is not known how the petitioner is liable to pay loan amount of petitioner's mother. The respondent bank, not only kept the account of the petitioner on hold, but they have also withdrawn some amount from the petitioner's account and credited the same to the loan account of petitioner's mother without any authorisation. It is not known what is the bonafide impression, bank is having. The concerned manager appears to be not fully acquainted with the procedures. No rule is quoted justifying its action.

In view of the same, absolutely there is no justification on the part of the respondent bank in keeping the petitioner's bank account on hold. It is highly arbitrary on the part of respondent bank in withdrawing the amount from the petitioner's account and crediting the same to the loan account of the petitioner's mother without any justification. Even after filing of writ petition by the petitioner, they have not rectified the same by themselves, instead they filed counter justifying the same. The respondent bank unnecessarily made the petitioner to approach this Court.

In view of the aforesaid facts and circumstances, the writ petition is allowed with costs of Rs.15,000/- payable to the petitioner. The respondent Bank is directed to deposit the amount of Rs.92,901/- into petitioner's account which was withdrawn by it on 05.06.2018, arbitrarily. The respondent bank first pay the costs to the petitioner and recover the same from the concerned officer who is responsible for this, after conducting enquiry.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

24.09.2018
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