

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.1648 of 2018
Date of Decision: 08.02.2018

Kulwant Kaur

. Petitioner

Vs.

The Regional Manager, Punjab State Cooperative Bank, Regional Officer
and another

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Bishan Dass Rana, Advocate,
for the petitioner.

Mr.APS Brar, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

Petitioner is the wife of Avtar Singh S/o Gurpal Singh, who has prayed for a writ in the nature of mandamus for seeking direction to the respondents for releasing the amount lying in account No.201834001001506 with the Punjab State Co-operative Bank, Branch Sohana, District SAS Nagar, Mohali, of her husband Avtar Singh, who is stated to be unconscious, in a state of comma and admitted in Sri Guru Harkrishan Sahib (C) Eye Hospital (Trust), Sohana (Sohana Hospital), SAS Nagar, Mohali, for the purpose of defraying the expenses on his treatment.

Learned counsel for the respondents has stated that the petitioner is not even a nominee of Avtar Singh in his account, therefore, it is not possible for the Bank to release the amount to her.

On the other hand, learned counsel for the petitioner has submitted that the petitioner, being a house wife, is not in a position to incur

expenses of day-to-day treatment of her husband, who is not in a position to operate his own account for the purpose of withdrawing the cash, therefore, she has prayed that keeping in view the peculiar facts and circumstances, she may be allowed to withdraw the amount lying in the account of her husband.

Although it is well settled that the bank account of a person cannot be operated by another person, may be his wife, but in the present case, the petitioner is a house wife, who has no source of income, her husband is in a state of unconsciousness and she requires money for the purpose of his treatment, therefore, I deem it just and expedient to direct the respondents/Bank to make the payment of the bills produced by the petitioner duly certified by the Hospital for the purpose of payment from the account of Avtar Singh. In case the petitioner has to purchase medicines also, the respondents/Bank would allow the petitioner to withdraw money after being satisfied with the prescription prescribed by the Doctor attending the patient/Avtar Singh. The respondents/Bank is directed to maintain the account of Avtar Singh strictly on the basis of the documents/prescriptions produced by the petitioner for the purpose of releasing the amount so that after regaining the conscious, the respondents/Bank would be in a position to explain to Avtar Singh about the withdrawal of amount by his wife from his account in his absence.

With these observations, the present petition is hereby disposed of.

08.02.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No