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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1/2018 and CM APPL.1162/2018 (directions)
UNION BANK OF INDIA Petitioner
Through: Mr. Gautam Gupta, Advocate

versus

YOGESH KUMAR TRIKHA & ORS Respondents
Through: Mr. Jai Bansal, Advocate

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **12.01.2018**

Mr. Rajesh Kumar Trikha held a bank account with Union Bank of India (the petitioner) at its Connaught Place, New Delhi branch. It is stated that the account held credit balance more than Rs.4 crores around the time he died on 14.04.2015. It appears that during his life time he had made a request to the bank to record the nomination in favour of the Prime Minister's Relief Fund, which request was not acceded to by the bank for the reason, in terms of the policy regulating its affairs, the nomination could be made only in the name of an individual.

The first to sixth respondents are siblings of Mr. Rajesh Kumar Trikha. It is their case that Mr. Rajesh Kumar Trikha died intestate. They claim to have inherited his estate as class II legal heirs, the wife and only child of Rajesh Kumar Trikha having pre-deceased him. The said respondents had moved a petition for grant of succession certificate (SC No.43/2016) which came up before the Administrative Civil Judge (ACJ) of East District of Delhi on 19.12.2017.

Taking note of the submissions of the petitioner bank, the ACJ recorded displeasure. He was of the view that the bank had no option but to process the claim of the petitioners before the Court, it being the debtor who must make all endeavours to seek a valid discharge. He issued directions to the bank to process the claim and has sought compliance.

The petition has been filed by the bank questioning the correctness, legality and propriety of the directions of the ACJ in the order dated 19.12.2017.

The first to sixth respondents have appeared on notice through counsel who fairly concedes that the procedure adopted by the ACJ is unknown to law and cannot be approved of. The bank obviously will not be in a position to process the claim, as has been directed, in the absence of the succession certificate. The ACJ must proceed further and adjudicate on the petition for grant of succession certificate by holding appropriate inquiry in accordance with law.

The petition is thus allowed. The impugned order is set aside.

Pending application also stands disposed of.

Date 09.07.2018 earlier fixed stands cancelled.

Dasti under the signatures of Court Master.

R.K.GAUBA, J.

JANUARY 12, 2018

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