

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6817 OF 2017

ORDER:

This writ petition is filed seeking direction to the 1st respondent to permit the petitioner to operate the locker No.45 with the 1st respondent Bank, Kukatpally Branch, Hyderabad.

Sri Satish Kumar, learned counsel representing Smt.K.Lalitha, counsel for the 2nd respondent submits that the locker was taken by petitioner's husband and the same has to be operated jointly by the petitioner's husband and the 2nd respondent. But as on today, the locker is not opened by the 2nd respondent and she does not have any objection for operation of locker by the petitioner and she can be permitted to open the locker.

Learned Standing Counsel for the respondent-bank basing on counter affidavit submits that the agreement for hiring the locker is signed by petitioner's husband as well as one K.Durga, who is the 2nd respondent herein and that the agreement provides that on the death of one of the hirer, the surviving hirer only can operate the locker, and as such they are unable to permit the petitioner to operate the locker.

The memorandum of agreement entered into between the petitioner's husband and the 2nd respondent with the respondent-bank filed at page No.30 of the material papers of writ affidavit by the learned counsel for the petitioner as well as by the respondent-bank along with Counter affidavit, which goes to show that the petitioner is shown as nominee of her husband by name N.Narayana Reddy. More so, the learned counsel for the petitioner also relied on the circular issued by Chief General Manager-in-charge containing final guidelines on Safe Deposit Lockers. In para No.3.2 it reads as under:

3.2 : Access to locker (with survivor/nominee clause)

(ii) In case of death of one of the hirers, where there are joint locker-hirers and as per the contract of locker hire, the locker is to be operated jointly, and where there is nomination, access to the locker may be given to the nominee jointly with the surviving hirer(s). In such cases, except death certificate and identification of nominee, no other document need to be obtained.”

In view of the same, since the petitioner is shown as nominee to her husband in the agreement entered between the petitioner's husband and the respondent-bank cannot deny right of the petitioner to operate the locker. Even otherwise, learned counsel for the 2nd respondent stated that the 2nd respondent, who is

concerned with the locker in question has no objection for operation of locker by the petitioner.

In view of the above facts and circumstances of the case, the writ petition is allowed. Pending miscellaneous applications if any shall stand closed.

A.RAJASHEKER REDDY,J

21-10-2019

Note:
Issue CC by tomorrow.
B/o.
Nvl



