

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-24208-2019 (O&M)
Date of Decision:04.09.2019**

Surita Ganjoo

... Petitioner

Versus

State Bank of India & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Anuj Garg, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus for directing respondent No.1 i.e. The State Bank of India, Branch Sector-37-C, Chandigarh to permit her to operate bank locker No.549.

It has been averred that husband of the petitioner, namely, Anoop Kumar Ganjoo had taken the locker in question with the first respondent. Husband of the petitioner died on 01.03.2018. He is stated to have died intestate.

Counsel submits that Anoop Kumar was survived by 3 legal heirs i.e. widow (petitioner herein) and two daughters (respondents No.2 and 3 herein). Counsel even adverts to the pension certificate issued by the Central Pension Accounting Office under the Government of India whereby the petitioner in the capacity of a widow has been authorised to collect the family pension as at Anenxure P-4.

The precise grievance raised in the petition is that inspite of the petitioner being ready to furnish an undertaking as may be required by the first respondent/Bank and that the two daughters having submitted affidavits conveying the no objection for the petitioner to be allowed to operate the

locker yet the bank is adamant and insisting upon a succession certificate to be produced.

Counsel relies upon a judgment of the Calcutta High Court in **Rama Chakravarty Vs. Punjab National Bank & others, 1991 AIR (Calcutta) 128**, where a similar issue was examined and a view was taken that under Section 370 of the Succession Act, 1925, the requirement of succession certificate could be pressed only for debts and securities and for a safety locker, there would be no requirement for such a succession certificate.

Counsel at this stage makes a submission that even a legal notice has been served upon the first respondent and he would be satisfied if the writ petition was to be disposed of with a direction to the concerned authority to look into the same and to take a final decision thereupon.

Statement made by counsel is found to be just and reasonable.

Without opining on the merits of the case and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the writ petition in terms of issuing directions to respondent No.1 to look into the matter and to take a final decision on the legal notice dated 23.05.2019 (Annexure P-5) expeditiously and in any case within a period of one month from the date of receipt of a certified copy of this order.

Disposed of.

04.09.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

i) Whether speaking/reasoned? Yes/No

ii) Whether reportable? Yes/No