

13.08.2021.
Item No. 46.
Court No.13
ap

W.P.A. No. 3015 of 2021
(Through Video Conference)
Sri Somnath Kesari Roy & Anr.
Versus
The Canara Bank & Ors.

Mr. Pinaki Ranjan Chakraborti,
Mr. Amal Kumar Banerjee.

..For the petitioners.

Mr. Tatal Das Singh,
Mr. Amar Singh,
Ms. Pooja Sett,
Mr. Ranjit Singh.

..For Canara Bank.

Ms. Debaji Ghosal.

...For the respondent no.7.

The respondent no.7 is represented.

It is submitted that the deceased original locker holder had more trust and faith in the respondent no.7 as opposed to his own son. It is for the purpose that the respondent no.7 was appointed as guardian of the minor nominee, son of the writ petitioners. The writ petitioner no. 1 was excluded from any right to the contents of the locker by his father.

The only question that may come for consideration as to whether, during the lifetime of the father and natural guardian, a third party can be appointed as guardian and that too by the grandfather.

The remedies of the writ petitioners, would be to obtain appropriate declaration from a civil court under

the provisions of the Guardians and Wards Act as also under the Succession Act for letters of administration.

It is only thereupon that any right may accrue to the petitioners to exclude the respondent no.7, from any right to operate the locker.

Counsel for the respondent no.7 submits that she has no intention of operating the locker for the time being or access its contents. It is submitted that the contents are meant for the benefit of minor son and shall be handed over to him at the time he may attain majority.

The rent for the locker may be received by the Bank from the writ petitioners. The payment of rent by the petitioners and receipt thereof by the Bank shall not create any right or equity in favour of the parties and shall be subject to any order of a civil court as indicated above.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

