AD. 7.
January 25, 2021.
MNS.

W. P. A. 5658 of 2020
with
IA NO: CAN 1 of 2020(CAN 3528 of 2020)
(**Via video conference**)

Smt Chhaya Rani Dass
Vs.
Central Bank of India and another

Mr. Indrajit Bhattacharya

… for the petitioner.

Mr. Gautam Chakraborty

…for the respondent-Bank.

The petitioner claimed, as successor of her deceased brother, the right to operate a bank account with the respondent no. 1-bank, which was held by her deceased brother. The petitioner alleges that, despite production of a succession certificate in that regard, the bank is sitting tight over the matter, thereby depriving the petitioner of a legal right to operate the account.

Learned counsel appearing for the respondent no. 1-bank submits that it is the duty of the bank authorities to ascertain the genuineness of the succession certificate. However, such ascertainment could not be made in the present case due to improper and irregular functioning of the concerned court, which granted the succession certificate, during the pandemic period. Moreover, it is submitted that the bank failed to contact the petitioner at her given address and, as such, no personal verification could be made.

However, a validly obtained succession certificate is presumed to be correct, unless rebutted. The purpose of a succession certificate is to facilitate the operation of the movables belonging to a deceased or indigent person by somebody else. The bank, undoubtedly, has a duty to scrutinize the veracity of the succession certificate. However, such duty does not extend to the bank waiting indefinitely for the regular functioning of the concerned court, which issued the succession certificate in the first place, and to inquire into the details of the relevant case. It is only for the bank to scrutinize whether a valid succession certificate is produced and, at best, to conduct a personal authentication as to the identity of the person presenting such certificate as holder of the certificate.

Accordingly, W. P. A. 5658 of 2020, along with CAN 1 of 2020(CAN 3528 of 2020), are disposed of by directing the petitioner to personally approach the bank immediately with the original succession certificate issued in her favour. Upon being so approached, the respondents shall scrutinize the validity of the succession certificate and personally examine the petitioner, if necessary, on the limited aspect of her identity as the holder of such certificate.

Such exercise shall be done at the earliest after the petitioner approaches the concerned branch of the bank. The respondents shall, immediately upon such scrutiny, permit the petitioner to operate the bank account-in-question and, if necessary, to withdraw the money lying therein.

There will be no order as to cost.

It is made clear that the respondents shall act on communication of advocates of either side and/or production of a server copy of this order, without insisting upon prior production of a certified copy.

(Sabyasachi Bhattacharyya, J.)