

13
15.11.2021.
mb

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 13221 of 2021

Ashoke Kumar Das

-vs.-

Central Bank of India & Ors.

Ms. Sanghamitra Nandy

...for the petitioner

Mr. Goutam Chakraborty

...for the Central Bank of India

The limited grievance of the petitioner is that, despite the petitioner being the nominee of his deceased maternal uncle in the Savings Bank Account lying with the respondent-Bank and having approached the respondent-Bank on several occasions, the Bank has not been disbursing the amounts due on maturity of the Fixed Deposits opened by the maternal uncle of the petitioner,

Despite representations by the petitioner in such regard, the Bank has not done anything with regard to such representations.

Learned counsel for the respondent-Bank contends that, in view of the petitioner being the nominee, the amounts lying in the Savings Bank Account of the deceased maternal uncle of the

petitioner has already been transferred duly to the account of the petitioner.

However, there are several formalities to be undertaken by the petitioner in the event the original papers relating to the Fixed Deposits are misplaced and cannot be produced, which are applicable even to a living account holder.

In the circumstances, although the petitioner might have a claim in the Fixed Deposits opened initially by his now-deceased maternal uncle, the petitioner ought to have complied with the due formalities in that regard prior to the Bank ascertaining the claim and taking appropriate steps thereon.

As such, W.P.A. No. 13221 of 2021 is disposed of by directing the respondent no. 3, through its learned Advocate appearing in Court today, to intimate in writing to the petitioner the exact formalities to be undertaken by the petitioner for the purpose of deciding the petitioner's claim as the nominee/heir/legal representative of the deceased original account holder. Such communication shall be made in writing through the learned advocate of the respondents to the petitioner directly or through his learned Advocate appearing in Court today, at the earliest, preferably within a week from date.

Upon such communication being made, the petitioner will be at liberty to comply with such

formalities in accordance with law and, if so approached, the respondent-Bank shall decide on the claim of the petitioner and the petitioner's entitlement with regard to the Fixed Deposits-in-question and, if found entitled, to disburse the amounts in favour of the petitioner at the earliest thereafter.

The parties shall act on the server copy of this order, coupled with the written communication of the learned Advocates for the parties, without insisting upon prior production of a certified copy thereof.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)