

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

203

CWP-1760-2021

Date of decision: 01.03.2021

HARMAIL SINGH

...Petitioner

Versus

STATE BANK OF INDIA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present : Mr. RS Sohi, Advocate for the petitioner.  
Mr. AVS Barsat, Advocate for respondent No.1 to 3.

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**ANIL KSHETARPAL, J. (Oral)**

The petitioner who claims to be retired Army official has filed this writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent-State Bank of India to release the payment lying in the joint account of petitioner and respondent No.4. The petitioner claims that there is a marital discord between the petitioner and his wife-respondent No.4 and in the proceedings under Section 125 Cr.P.C., the order directing payment of maintenance against the petitioner has been passed. Learned counsel for the petitioner submits that the aforesaid amount has already been deducted and remitted pursuant to the order of the Court. However, the remaining amount has been put on hold. He submits that such action of bank is arbitrary. It may be noted that the petitioner claims that his retiral benefits have been credited by the Army authorities in the aforesaid account. Pursuant to notice of motion, a detailed written statement has been filed by the bank pointing out that the account is a joint account and the bank has put on hold the aforesaid amount on the application submitted by respondent No.4. He submits that the bank has taken steps in accordance with the instructions issued by the Reserve Bank of India.

After having heard the learned counsel for the parties at some length, this Court is of the considered view that in the present case, the petitioner is required to be relegated to alternative remedy. It is not in

dispute that the account is a joint account. In other words, both are entitled to the amount. The marital discord between the couple is also not in dispute. In these circumstances, it would be more appropriate to relegate the petitioner to avail alternative remedy.

Hence, dismissed.

01.03.2021

(ANIL KSHETARPAL)  
JUDGE

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No