

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13123 of 2021

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Smt. Rita Sharma daughter of Late Murli Manohar Sharma, Wife of Satyendra Narayan, Gurudwara Road, Link Road No. 4, Krishnapuri Colony, P.O. and P.S. Chas Bokaro, Chas Jharkhand - 827013.

... .. Petitioner/s

Versus

1. The Managing Director -cum-Chairman, Punjab National Bank Head Office 7- Bhikhaji Kama Palace, New Delhi - 110066.
2. The Branch Manager, Punjab National Bank, Bithra Branch, Jehanabad, Town and District - Jehanabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Subhash Pd. Singh, Advocate
		Mr. Ghanshyam Sharma, Advocate
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 13-01-2022 Petitioner has prayed for the following relief(s):

“For issuance of an appropriate writ/writs, order/orders, direction/ directions and to direct the respondent bank to make payment, with interest, the admitted amount of 1/3rd share for the deposited savings bank Account No. 2388000100004657 of her late father namely Murli Manohar Sharma and/or pass such other order/orders under the facts and circumstances of this case.”

We find the present petition to be totally



misconceived in law.

Petitioner's father died in the year 2009. There appears to be dispute between the legal heirs and petitioner being one of them. She seeks a mandamus for release of 1/3rd amount of share lying in the bank account of her deceased father. Significantly, the present petition is filed in the year 2021, without taking recourse to any other remedies or approaching the bank for release of the amount. She has not even bothered to obtain a succession certificate or approach the bank along with her sisters for release of the amount, if any. Not only the petition is misconceived, but ill advised.

Shri Kumar Priya Ranjan, learned counsel for the respondent Bank, states that in the account there is no balance. However, there is one F.D.R. in the name of the deceased father.

The fixed deposit receipt is not linked with the account. Also none is nominated as the nominee in the account.

We dispose of the petition, leaving it open for the petitioner to approach the Bank either individually or along with other legal heirs for release of the amount, if any, in accordance with law. All issues on facts and law are left open.

Shri Kumar Priya Ranjan states that as and when the petitioner/legal heirs were to approach the Bank, the same



shall be disposed with promptitude.

Statement accepted and taken on record.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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