

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
Appellate Side**

13.06.2022

Item no. **02**

Dd

CO 7 of 2020

**Mariyam Begam & Ors.
Vs.
Anjali Ganguli (Islam) & Anr.**

*Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta), Advocates
... ... For the Petitioners/Plaintiffs*

*Ms. Suman Sehanabis, Advocate
... ...For the Opposite Parties/Defendants*

The revisional application is directed against an order dated December 13, 2019 passed in Misc. Appeal No. 5 of 2019 by which, the Appeal Court was pleased to vacate an order of injunction passed in a suit for declaration and injunction.

The plaintiffs filed a suit seeking declaration and injunction with regard to immovable and movable properties of the deceased.

The plaintiffs claim themselves to be the heirs and legal representatives of the deceased. Defendants in the suit are the heirs and legal representatives of the deceased through the second wife. The first defendant is the second wife of the deceased while the first plaintiff is the first wife of the deceased.

The plaintiffs claim that the deceased died possessing three Bank Accounts - two in Indian

Overseas Bank and one in UKO Bank. Learned trial Court was pleased to grant an order of status quo dated July 22, 2017 with regard to the suit properties. The learned trial Court was also pleased to pass an order of injunction with regard to operation of Indian Overseas Bank Accounts and the UCO Bank Account.

Learned advocate appearing for the defendants submits that the defendants are not aware of the Indian Overseas Bank Accounts of the deceased. So far as the UCO Bank Account is concerned, learned advocate appearing for the defendants refers to the written statement filed in the suit and submits that a fixed deposit was created out of the proceeds lying in the UCO Bank and that the first defendant is the joint holder of such UCO Bank Account.

The Appeal Court was pleased to vacate the order of injunction passed by the learned Trial Court by the impugned judgment and order.

The property involved in the suit requires protection till disposal of the suit. In the written objection, the defendants claimed that deposits fixed were created out of the proceeds of the UCO Bank Account. The fact that deceased was one of the joint holders of such UCO Bank Account is admitted by the defendants.

In such circumstances, it would be appropriate to protect and preserve the proceeds of the UCO Bank Account till the disposal of the suit in view of the statements of the defendants that fixed deposits were created

out of the proceeds of the UCO Bank Account of which the deceased was one of the Joint signatories. It would be appropriate to restrain the defendants from encashing the fixed deposit created out of such proceeds till the disposal of the suit, if such fixed deposits are not already encashed as on date.

Learned advocate appearing for the defendants will furnish the learned advocate for the plaintiffs with the particulars of the fixed deposits created out of the proceeds of the money lying in the UCO Bank Account.

It would be appropriate to restrain the parties to the suit. There will be an order of injunction restraining the defendants from operating the Indian Overseas Bank Accounts as described in the schedule to the plaint.

The impugned order is set aside. The revisional application is **disposed of** without any order as to costs.

(Debangsu Basak, J.)