

OD-8

ORDER SHEET

WPO/2210/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BARNALI MOULIK
Versus
PUNJAB NATIONAL BANK AND ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 19th May, 2022

Appearance:

Mr. Ranajit Chatterjee, Adv.

Mr. Aniruddha Mitra, Adv.

For the petitioner.

Mr. Abhishek Banerjee, Adv.

Mrs. Parna Roy Choudhury, Adv.

For the respondent bank.

The Court:- Affidavit-of-service filed in Court today is taken on record.

The petitioner complains that the third respondent, her brother, nominee of certain accounts standing in the name of their deceased parents Dilip Kumar Moulik @ Maulik and Maya Rani Moulik @ Maulik is attempting to appropriate the same to deprive the petitioner of her lawful share as legal heir of the deceased parents. The accounts are maintained by Punjab National Bank.

Apart from the fact that a nominee, albeit a trustee of the accounts of a deceased, is otherwise entitled to receive the proceeds, the rights of the petitioner vis-à-vis her brother, respondent no.3, cannot be adjudicated in

a writ petition under Article 226 of the Constitution of India. The petitioner has an appropriate remedy under the Hindu Succession Act, in respect of properties of her parents.

In that view of the matter, reserving liberty to the petitioner to obtain appropriate relief from a competent civil court, the writ petition is disposed of without any order as to costs.

(RAJASEKHAR MANTHA, J.)

snn.