

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.7556 Of 2022
(Through hybrid mode)**

Prema Devi

....

Petitioner

Mr. S. Satpathy, Advocate

-versus-

***Zonal Manager, PNB, BBSR and
another***

....

Opposite Parties

Mr. A.K. Biswal, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
06.04.2022**

**Order
No.**

2.

1. Mr. Satpathy, learned advocate appears on behalf of petitioner and submits, his client is one of four children of deceased parents, who died, leaving behind fixed deposits and money in savings bank account in Bapuji Nagar branch of the bank. He submits further, earlier his client had moved this Court by W.P.(C) no.5178 of 2021, disposed of by order dated 17th February, 2021 made by co-ordinate Bench directing, inter alia, as follows.

“Considering the submissions made, this Court observes in the event petitioner has legitimate right to receive the amount, it is open to the petitioner to make an approach to the concerned Bank for release of the mount.

With the above observation, the writ petition stands disposed of.”

2. He submits, his client approached the bank pursuant to the heirs and legal representatives having executed memorandum of understanding. The bank should not doubt bonafide of the heirs and legal representative in making over the proceeds to his client, the elder sister.

3. Mr. Biswal, learned advocate appears on behalf of the bank and submits, the memorandum is undated. It may be an understanding between the heirs and legal representatives but that is insufficient for the bank to act upon. He draws attention to annexure-6 to submit, there are as many as eleven legal representatives informed by Tahasildar, Bhubaneswar. He submits further, his instructions are, either the heirs and legal representatives are to jointly approach the bank or petitioner must produce succession certificate. The bank upon compliance with all requirements and formalities, will disburse the money.

4. In view of above, petitioner may decide on the course of action for obtaining the money. In event all requirements and formalities as indicated above are complied with or succession certificate is furnished, the bank will disburse money in the account of the deceased.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks