

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9585 of 2022
(Through hybrid mode)

Birendra Kumar Nagpal

....

Petitioner

Ms. Monika Samal, Advocate

-versus-

UCO Bank and another

....

Opposite Parties

Mr. B. N. Udgata, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
10.10.2022

Order No.
04.

1. Ms. Samal, learned advocate appears on behalf of petitioner and submits, her client is beneficiary of registered will dated 19th July, 2017. He sought disbursement of money lying with the bank of the testatrix, since deceased. On not getting it the writ petition was filed.
2. Mr. Udgata, learned advocate appears on behalf of the bank and submits, necessary document regarding proof of will by probate was not furnished by petitioner.
3. Rejoinder has been filed. In paragraph 5 there is reference to **judgment dated 24th July, 2019** made by the Supreme Court in **Civil Appeal no.5823 of 2019 (Kanta Yadav vs. Om Prakash Yadav and others)** declaring the law on wills and codicils made by any Hindu,

Buddhist, Sikh or Jaina, who was subject to the jurisdiction of the Lieutenant Governor of Bengal or the local limits of ordinary original civil jurisdiction of the High Courts of Madras or Bombay, to require obtaining probate. She submits, Jharsuguda does not fall under the jurisdiction of the Lieutenant Governor of Bengal nor the High Courts' of Madras and Bombay.

4. The bank already has submitted to it, copy of the registered will. It may require petitioner to produce the certified copy for purpose of comparison, to ascertain that the copy submitted is the true copy. Thereupon the bank will return the certified copy to petitioner and forthwith disburse money lying in account(s) of the deceased testatrix, to petitioner.

5. The exercise is to be completed within two weeks of communication. Petitioner will comply with all other requirements.

6. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant