

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 447 OF 2022

Harshalata Gajanan Boke,
aged about 35 years, Occ. Carrier,
M.S.R.T.C. Chandur Railway Bus Depot,
R/o Amla Vishweshvar, Tq. Chandur Railway,
Dist. Amravati.

PETITIONER

.....VERSUS.....

1. The Manager,
State Bank of India, Dhamangao Road,
Branch at Yavatmal,
Tq. and Dist. Yavatmal.
2. The Manager,
Central Bank of India,
Branch at Chandur Railway,
Tq. Chandur Railway, Dist. Amravati.

RESPONDENTS

Ms. Alveena N.A. Khan, Advocate for the petitioner.
Shri M. Anilkumar, Advocate for respondent No.1.
Shri C.J. Dhumane, Advocate for respondent No.2.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI - PHALKE, JJ.

DATE : 3/10/2022

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner claims to be in employment with the Maharashtra State Road Transport Corporation. She has maintained her salary account at respondent No.1 – Bank. It is the grievance of respondent No.2 – Bank that while transferring an amount of Rs.50,000/-

(rupees fifty thousand) in favour of the petitioner, an amount of Rs.5,00,000/- (rupees five lakh) was transferred in her salary account maintained with respondent No.1 – Bank. Respondent No.2 therefore requested respondent No.1 to freeze the said salary account to enable it to recover the excess payment of Rs.4,50,000/- made inadvertently in the account of the petitioner. On the request made by respondent No.2, respondent No.1 froze the salary account of the petitioner. Being aggrieved, the petitioner has challenged the said action.

3. We have heard the learned Counsel for the parties and we have perused the reply filed on behalf of respondent No.2 along with the documents placed on record. *Prima facie*, from the documents placed on record, it is seen that a request for making payment through the National Electronics Funds Transfer (N.E.F.T.) to the petitioner was made by one Sachin Verma who had drawn a cheque of Rs.50,000/- in favour of respondent No.2. However, while crediting that amount in the account of the petitioner, an amount of Rs.5,00,000/- came to be credited. It is further seen that to recover the excess amount of Rs.4,50,000/-, respondent No.2 has filed Regular Civil Suit bearing No. 33/2022 in the Court of Civil Judge Junior Division, Chandur Railway. We find from the assertions in the Writ Petition and the reply as filed that there is a dispute inter se with regard to the entitlement of the petitioner to the amount of Rs.5,00,000/- as urged by the petitioner and to the amount of

Rs.50,000/- as urged by respondent No.2. That question would be decided in the Civil Suit filed by respondent No.2. We however find that presently, there is no order passed by any Authority/ Court so as to enable respondent No.1 to freeze the salary account of the petitioner. Such action of freezing the account can be undertaken pursuant to any order/ direction being issued by a Competent Authority/ Court. In the absence of any such order presently operating, it would not be permissible for respondent No.1 to freeze the salary account of the petitioner.

4. In that view of the matter, the following order is passed :

i. Respondent No.1 shall within a period of 15 days from today defreeze the petitioner's salary account. Respondent No.2 is free to have its rights adjudicated in Regular Civil Suit No. 33/2022 and the present order would not come in the way of respondent No.2 if any prayer of interim nature would be made before the Civil Court.

ii. Keeping the factual aspects open, the Writ Petition is allowed. Rule is made absolute in the aforesaid terms. No costs.

(URMILA JOSHI - PHALKE, J.)

(A.S. CHANDURKAR, J.)

SUMIT

Digitally signed by SUMIT CHETAN
AGRAWAL
Signing Date: 04.10.2022 10:20