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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.2843 of 2017(O&M)

Date of Decision:09.03.2022

Harkesh Kaur

.....Petitioner

Vs

Sr. Superintendent of Post Offices and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. Piyush Khanna, Advocate
for respondents No.1 and 2.

Mr. Sunny Singla, Advocate
for respondent No.3.

(Through Video Conferencing)

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this petition for the issuance of an appropriate writ in the nature of mandamus, directing respondent No.1 to release the amount lying in the account of the deceased husband of the petitioner.

[2]. As per record available in the office of respondents No.1 and 2, respondent No.3 is the nominee of the deceased husband of the petitioner. Petitioner has successfully obtained a succession certificate from the Court of Additional Civil Judge

(Senior Judge), Garhshankar vide order dated 09.05.2016 in a Succession Case No.3-A of 20.08.2014. The succession certificate was ordered to be issued to the petitioner subject to furnishing indemnity bond in the sum of Rs.50 lacs with one surety in the like amount within a prescribed period.

[3]. Learned counsel for the petitioner submits that necessary compliance has already been done by the petitioner. As per order dated 09.05.2016 passed by the Additional Civil Judge (Senior Division), Garhshankar, succession certificate was to bear the clause, directing the manager of the concerned bank to disburse the amount lying in the account of deceased with interest to the registered nominee, if any.

[4]. Admittedly, respondent No.3 was the nominee of deceased Nirmal Singh.

[5]. Learned counsel for respondent No.3 has made a statement at the bar that according to his instructions, respondent No.3 has expired.

[6]. Duty of the nominee is only to collect the amount on behalf of the person for whom nominee is appointed. Nominee is just like an agent to collect the money on behalf of the principal. With the death of nominee, rightful owner cannot be deprived of his/her dues, which admittedly according to the parties, belongs to the deceased husband of the petitioner.

[7]. In view of aforesaid undisputed facts, the petitioner being succession certificate holder can replace the status of the deceased nominee being a rightful owner so as to claim the amount, which is lying deposited before respondents No.1 and 2.

[8]. Consequently, this petition is allowed. Respondents No.1 and 2 are directed to do the needful in releasing the amount lying in the account of the deceased husband of the petitioner along with permissible interest in accordance with law.

09.03.2022

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No