

16th October,
2023
(AK)
08

W.P.A 3747 of 2023

Parimal Kumar Datta
Vs.
State Bank of India and others

Ms. Nandini Mitra
Mr. Sanjay Saha

...for the petitioner.

Mr. Subrata Sinha

...for the respondent nos. 1 to 3.

1. The present writ petition is a prime example of the adage “much ado about nothing”. The petitioner was a nominee in the PPF account of one Jitendranath Bose, since deceased.

2. Upon the demise of the said Jitendranath Bose, the money lying in the account went to the petitioner in the capacity of nominee of his PPF account.

3. Subsequently, there were rival claims. A suit was filed in that regard by a third party. Ultimately vide order dated December 24, 2010 passed in GA 2671 of 2010 with C.S. 208 of 2010, a coordinate Bench directed the first defendant therein, that is, the present petitioner to make a fixed deposit of the entire amount received on account of the Public Provident Fund account of the deceased, together with any interest that may have

accrued on the amount till that date, with a nationalized Bank.

4. The money was accordingly deposited by the petitioner with the respondent no.1-Bank. The said order further contained the rider that the disbursement of such money will not be made in favour of any person including the first defendant and the plaintiffs without the appropriate person obtaining such order as may be necessary for receiving such payment in accordance with law. Subsequently the suit filed by the rival claimants was dismissed for default and never restored till date.

5. When the matter was last taken up, learned counsel for the Bank had pointed out that apparently there is a Will executed by the deceased Jitendranath Bose, which might have a bearing on the instant matter.

6. A copy of the said will is handed over in court today by learned counsel for the petitioner and is kept on record.

7. It transpires from a complete reading of the said Will that the same pertains solely to the Prachi Cinema and the Prachi Cinema Welfare Association and the property pertaining to the said Cinema business and has nothing to do with the present account of the deceased Jitendranath Bose.

8. Thus, the said Will, probated or not, does not have any bearing whatsoever on the instant PPF account.

9. Insofar as the order dated December 24, 2010 passed by the coordinate Bench is concerned, about thirteen years have elapsed thereafter and till date, no rival claimant have come up to claim the money lying in the PPF account.

10. As mentioned earlier, the suit filed by the rival claimants stands dismissed for default and was never restored.

11. Thus, in the capacity of the nominee, the petitioner is fully entitled to the sum left by late, Jitendranath Bose in his PPF account.

12. The money, unless disbursed to someone, would become stale and unnecessarily remain blocked, not utilized by anybody at all.

13. Since the deceased Jitendranath Bose had the intention of nominating the petitioner, in deference to the wishes of the deceased, it would only be appropriate that in the absence of any proper rival claim, the petitioner should be considered to be the “appropriate person” and the order being passed now the “appropriate order” permitting the petitioner to utilize the said amount.

14. Accordingly, WPA 3747 of 2023 is allowed, directing the respondent no.1-Bank to release the entire amount lying in the fixed deposit which was created with the amount received on account of the PPF account of the

deceased Jitendranath Bose and the interest thereon, along with all interest accrued till date, to the petitioner.

15. Such disbursal shall be made to the petitioner at the earliest, positively within four weeks from date.

16. It is made clear that this order is subject to any subsequent decree, if passed by a competent civil court, pertaining to the amount-in-question.

17. However, nothing in this order shall prevent the petitioner from using the money as indicated above.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)