

AD-24
Ct No.09
15.12.2023
TN

WPA No. 20797 of 2023

Moutusi Mandal
Vs.
Indian Bank and others

Mr. Pinaki Ranjan Mitra,
Mr. Sugata Mukhopadhyay

.... for the petitioner

Mr. Om Narayan Rai

.... for the Bank

1. Learned counsel for the petitioner contends that the petitioner is one of the legal heirs (daughter) of a deceased account holder with the respondent no. 1-bank. The petitioner sought for information regarding the account after the demise of her father, who was the account holder. However, the bank having refused the same, the petitioner went up in appeal under the Right to Information Act, 2005. However, the appeal was also dismissed. It is argued that the petitioner is entitled, as an heir of the deceased account holder, to know the details of the account and lay a claim thereto.

- 2.** Learned counsel appearing for the bank submits that the account was held by the deceased father jointly with his wife, that is, the mother of the petitioner in either/or survivor mode. It is contended that as per banking norms, upon demise of one of the account holders, such an account devolves upon the other.
- 3.** As such, the bank is not duty-bound to disclose, rather bound by the secrecy of banking norms not to disclose the details of the account in favour of the petitioner, who was never named in connection with the account in any capacity.
- 4.** Learned counsel for the petitioner in reply places reliance on the Master Circular of the Reserve Bank of India with regard to similar cases. It is contended by placing reliance on Clause 3 thereof, that if the benefit of survivorship is provided, the survivor can give a valid discharge to the bank.
- 5.** It is contended that the survivor's right, unless he is the sole owner of the balance in the account/sole legal heir of the deceased, is only in the nature of a mere right to collect the money from the bank. If the legal heirs of the deceased lay a claim to the amount in the bank, they should be advised that in terms of the contract

applicable to the account, the survivor is the person entitled to payment by the bank and that, unless the bank is restrained by an order of a competent court, the bank will be within its rights to make the payments to the survivors named in the account.

- 6.** Thus, it is submitted that the survivor/mother of the petitioner is merely the receiving hand and the petitioner also has a right as heir of her father to lay claim to a portion of the account.
- 7.** A consideration of the guidelines of the Master Circular relied on by the petitioner indicates nothing more than the fact that a survivor is merely the receiving hands, subject to the claims of other legal heirs of the original account holder.
- 8.** However, the bank was within its rights, even in terms of Clause 3 of the Master Circular, to withhold information regarding the account to outsiders.
- 9.** The bank, as per the said Circular, is bound and within its rights to make the payment to the survivors named in the account. In fact, for all practical purposes, it is the survivor who is now entitled to operate the account in exclusion of all others.

- 10.** However, if the petitioner has a legal right to claim a portion of the property including the money lying in the account as heir of the account holder, she is well within her rights to approach the civil court where a partition suit is admittedly pending at the behest of her mother with regard to the estate of the deceased father.
- 11.** Needless to say, under the Code of Civil Procedure, there are several modalities and reliefs given to parties to extract information from the other side in regard to the property which is the subject-matter of the suit. Be that as it may, such rights pertain to the rights of the petitioner, if any, as a legal heir, subject to being decided by the civil court, and do not have any nexus with the duties of the bank vis-à-vis the account holder.
- 12.** Hence, insofar as the bank is concerned, it is not duty-bound to disclose the details of the account to the petitioner. The petitioner may very well approach the civil court for appropriate relief in that regard.
- 13.** In such view of the matter, WPA No. 20797 of 2023 is dismissed on contest without any order as to costs, in the light of the above observations.

- 14.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)