

ORDER SHEET

WPO/885/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

POULOMI DE
VS.
CANARA BANK AND ANR.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 3rd May, 2023.

Appearance:

Mr. Debraj Sahu, Adv.

Ms. Nafisa Yasmin, Adv.

Mr. Debdutta Dutta, Adv.

Ms. Sreemayee Mitra, Adv.

Mr. Kapil Guha, Adv.

The Court: The petitioner is the granddaughter of one Ms. Shyamali De who died leaving her widowed daughter-in-law and the petitioner. The petitioner's mother, i.e., the daughter-in-law of Shyamali De is still alive.

The petitioner claims to be the sole legal heir of Shyamali De under Section 15(1) of the Hindu Succession Act, 1956 and claims that the property of Shyamali De will devolve upon the petitioner since the former died intestate. The petitioner prays for a direction on the respondent Bank to execute and register a deed of lease in respect of the ATM counter at a particular location in Kolkata and also a direction on the respondents to pay

the arrear rent from November, 2022 and the monthly rent thereafter to the savings account lying in the name of Shyamali De and the petitioner's deceased father.

Learned counsel appearing for the Bank submits that the petitioner has not produced any heirship certificate and that the document produced from the Court of the Metropolitan Magistrate, Kolkata cannot be equated with an heirship certificate.

Learned counsel appearing for the petitioner produces a statement from the Councillor, Ward No.40, Kolkata Municipal Corporation dated 2nd May, 2023 certifying that the petitioner is the only legal heir of Shyamali De who died on 6th September, 2022.

Since this document has not been furnished before the respondent Bank, WPO/885/2023 is disposed of with a direction on the respondent Bank to consider this document and come to a reasoned decision within a week from this date. A copy of the reasoned order shall be made available to the petitioner within a week from the date on which the order is passed.

Counsel for the Bank submits that the account in which the Bank transfers the money every month is a different account to the one mentioned in the writ petition.

(MOUSHUMI BHATTACHARYA, J.)

bp.