

OD 7

WPO/1024/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

PUTUL ROUTH
VS
STATE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 5th July, 2023.

Appearance:
Mr. Debdutta Basu, Adv.
...for the petitioner

Mr. Debashis Saha, Adv.
...for the respondent (SBI)

The Court: The gamut of the dispute is very limited. The petitioner, claiming to be wife of a deceased account holder with the respondent-bank, sought disbursement of the amount lying in the salary account of her deceased husband. Upon such application being made in the year 2023, in the month of January, the bank learnt about such demise and, according to the learned counsel for the bank, sought to contact the nominee, that is, the respondent no.4 in the present writ petition. However, such efforts went in vein according to learned counsel for the bank.

In as much as the present writ petition is concerned, the said nominee has been impleaded in the writ petition as a party respondent and a copy of the writ petition has also been served on the said respondent. Not only that, on the last occasion when the matter was called on for hearing, the said respondent was represented by counsel. However, the matter was adjourned on the prayer of learned counsel having instruction to appear for the respondent no.4.

Even today, when the matter is called on for hearing, there is nothing on record to indicate that any vakalatnama has been filed by any learned advocate on behalf of the respondent no.4, nor is any learned advocate appearing to represent the private respondent. In such view of the matter, it is clear that the nominee in the account of the deceased account holder has neither approached the respondent bank for as long as about two years after the demise of the account holder to claim disbursement of the amount lying in the account, nor is she interested in contesting the present writ petition.

Since the petitioner claims to be wife and legal heir of the deceased account-holder late Rajen Routh, there cannot be any further impediment in releasing the amount lying in the said account to the petitioner, subject, of course, to the petitioner proving her identity as per due procedure with the bank.

Accordingly, WPO/1024/2023 is allowed, thereby directing the respondent no.3, the Branch Manager of the State Bank of India, Muchipara Branch to disburse the amount lying in savings account No.31923462106 in the name of Rajen Routh (Since Deceased) to the petitioner, as and when so approached by the petitioner, subject to the petitioner furnishing appropriate documents to establish her identity as the wife and the legal heir of the deceased account-

holder, to the satisfaction of the bank in terms of the banking rules and regulations.

The parties shall act on the server copy of the order for compliance, without insisting upon prior production of a certified copy of the same.

It is made clear that in view of the order of this Court, the bank will be deemed to discharge its due diligence in terms of the Negotiable Instruments Act and as per the banking rules and regulations and the relevant law in so far as the disbursal of the amount lying in the deceased's account is concerned. The bank shall not be held liable for any negligence in that regard in future, merely on the count of disbursal of such amount in terms of this order.

(SABYASACHI BHATTACHARYYA, J.)