2023:PHHC:108618

IN THE PUNJAB AND HARYANA HIGH COURT AT CHANDIGARH

223 **CWP-12298-2018**
Date of Decision: 21.08.2023

HARDEV SINGH

... Petitioner

VERSUS

STATE BANK OF INDIA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Shreesh Kakkar, Advocate for
Mr. Kapil Kakkar, Advocate
for respondents No.1 and 2.

Ms. Niharika Sharma, AAG, Punjab
for respondent No.3.

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VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of direction to respondent No.3 to hold an enquiry with regard to the deposit of late Kirpal Singh with a further direction to respondent No.2 to release the amount lying in the account of late Kirpal Singh.

It is the contention of the petitioner that late Kirpal Singh is the father-in-law of the petitioner, who was working as Assistant Lineman in PSPCL and was posted at Nawanshahar, District Jalandhar. He sought pre-mature retirement, whereupon he was retired from service on 31.07.1988. Later on, he passed away on 04.02.2006. Late Kirpal Singh was maintaining a Bank Account with the State Bank of Patiala (now State Bank of India). Late Kirpal Singh had nominated his only daughter Raj Kumari as nominee. However, on the demise of Kirpal Singh, the respondent-Bank did not oblige

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the said nominee namely Raj Kumari in releasing the amount standing to the credit of late Kirpal Singh despite submission of representations. However, Raj Kumari also passed away on 12.06.2012 and the petitioner is the only heir in the line of succession and is entitled to the get released the amount standing in the account of late Kirpal Singh.

Written statement on behalf of respondent No.2 has been filed wherein, the Branch Manager has admitted that the nominee in the above said account of late Kirpal Singh was Smt. Raj Kumari vide nomination No.7166 dated 17.10.2003 and an amount of Rs.9,817.76/- is standing to the credit of said account of late Kirpal Singh. It is, however, submitted that no claim to the said amount has been made by anyone till date. It is further averred that the Bank is ready and willing to release the said amount in favour of the petitioner in accordance with law and subject to providing all necessary documents.

A short reply has also been filed by the Department of Vigilance. It is evident from the perusal of the above allegations that respondent No.3 has no jurisdiction to entertain the above said complaint or to examine the same.

Even though the written statement had been filed by the respondents No.1 and 2 on 29.05.2018, however, no replication/rejoinder controverting the same has been filed by the petitioner till date.

Taking into consideration the responses of the respective respondents, the present petition is disposed of with liberty to the petitioner to approach the respondent-Bank alongwith all supporting documents as required in law for seeking redressal of his grievance. In the event of the petitioner approaching the respondent-Bank alongwith all supporting and necessary

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documents, the respondent-Bank shall forthwith release the money lying in the account of late Shri Kirpal Singh alongwith interest accrued till date.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 21, 2023
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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