

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

113

**CWP-15973-2023 (O&M).  
Date of Decision: 27.07.2023.**

**Madan Lal Katyal****...Petitioner****Versus****State Bank of India and another****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ****Present:** Mr. Parminder Singh, Advocate for the petitioner.

Mr. Ved Parkash, Advocate, for respondent No.2.

**VINOD S. BHARDWAJ. J (ORAL)**

The present writ petition has been filed for seeking permission to operate the bank locker on the ground that the bank has prescribed certain conditions including submission of succession certificate/probate of Will.

Briefly summarised, the facts of the case are that petitioner has three children. His wife Urmil Katyal died on 07.09.2021 after suffering Cancer. She was holder of locker bearing No.100 at State Bank of India, Nilokheri as well as in Punjab National Bank Nilokheri. She executed a registered Will dated 28.02.2020 authorizing petitioner to operate the lockers.

However, the request of the petitioner to transfer the locker was being delayed on one pretext or the other. A legal notice dated

13.10.2022 was thus served by the petitioner on the Bank to permit him to operate the locker and to transfer the same in his favour. The request was declined vide order dated 03.08.2022. Numerous visits were made by the petitioner to the Bank to operate the locker. Legal notice was rejected vide communication dated 29.11.2022 reiterating that probate of Will is required.

It is argued that the condition of probate is uncalled for. A duly registered Will has been executed in favour of the petitioner and none of the legal representatives has any objection. Probate of Will has to be obtained by the executor and as no executor is appointed, the requirement of probate would not arise.

I have heard the learned counsel for the petitioner and have gone through the documents appended with the present petition.

The prayers of the petitioner are two-fold:-

- i) Transfer of locker in his favour; and
- ii) Permit him to operate the locker.

Challenge is to the rejection of the claim and prescribing condition of probate even though not required.

Counsel for the petitioner has failed to counter that the banking services is covered under the Legal Services Authorities Act, 1987 as well as under the Consumer Protection Act for seeking redressal of the said grievance. Apart therefrom a parallel grievance redressal mechanism under the Banking Regulations in the form of Banking Ombudsman has also been notified by the State Government. Filing of

the present petition is clearly under a wrong advise. The present petition is accordingly dismissed at this stage for the above reasons and noticing that efficacious alternative remedies are available to the petitioner. The petitioner may, if so advised, take recourse to the alternative remedies available to him in accordance with law.

July 27, 2023  
*raj arora*

(VINOD S. BHARDWAJ)  
JUDGE

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