

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

104

CR No.3628 of 2022

Date of Decision: 13.04.2023

Geeta

...Petitioner

Versus

Sunita and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Ms. Priyanka Vij, Advocate, for the petitioner.

Mr. Chandeeep Singh, Advocate, for respondent No.11-Bank.

VIKAS SURI, J. (Oral)

This is a petition under Article 227 of the Constitution of India challenging order dated 13.07.2022 passed on an application moved under Order 1 Rule 10 CPC, whereby the said application was dismissed.

Learned counsel for the petitioner would submit that in the proceedings for issuance of succession certificate under Section 372 of the Indian Succession Act, 1925 with respect to the amounts standing to the credit of deceased-Sher Singh, in savings bank account and fixed deposit receipts (FDRs).

It is pleaded that Sher Singh is survived by five daughters and four sons, who are a party litigant to the afore-mentioned petition. Petitioner is the wife of one of the sons, namely Rajbir. The claim in the application for being impleaded as party respondent to the proceedings for issuance of succession certificate is that she is the 'nominee' in the term deposit/FDR,

which is the subject matter of the succession proceedings, hence, she is an interested party.

Reply to the said application was filed and the application was opposed. It was contended that the petitioner was merely a nominee and that does not confer any vested right, title or interest in her favour and as such, dismissal of the application was sought. Reference has also been made to the Will purported to have been executed by the deceased-Sher Singh.

On the previous date of hearing, this Court had directed the petitioners to place on record a copy of the aforesaid Will.

Learned counsel for the petitioner submits that a copy of the same is available with her and as per the said document, moveable property and immoveable property had been bequeathed to the four sons to the exclusion of the five daughters and the name of the petitioner does not find mention therein. As such, she submits that the petitioner does not place reliance upon the Will and moreover, if the same is to be relied upon, it would have to be proved in accordance with the relevant provisions of the Indian Evidence Act, 1872.

Mr. Chandeeep Singh, Advocate, had put in appearance on behalf of the respondent-Bank on 09.11.2022, on the strength of advanced copy of the petition having been supplied to him.

Heard learned counsel for the parties and perused the record.

The trial Court had noticed that all the natural heirs of deceased-Sher Singh were party to the succession proceedings and the petitioner being a nominee in the FDR was not a necessary party. It was held that the role of a nominee is merely that of a caretaker who has been entrusted with the duty of proper distribution of the estate of the deceased.

Merely on the basis of nomination in bank records, the nominee does not acquire any right or title and accordingly, the application under Order 1 Rule 10 CPC was dismissed.

It is not disputed that other than the petitioner having been made a nominee in one fixed deposit receipt, which is a subject matter of the proceedings for issuance of succession certificate, the petitioner has not been able to establish any independent right to claim inheritance.

Even otherwise, petitioner's husband being Class-I heir of Sher Singh is already a party respondent in the above-referred succession proceedings and her right to intestate inheritance from Sher Singh, if any, would only be through her husband.

In the light of the above discussion, this Court does not find any infirmity or illegality in the impugned order, whereby the application moved by the petitioner was dismissed. Accordingly, finding no merit, the present petition is dismissed.

(VIKAS SURI)
JUDGE

April 13, 2023
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Whether speaking/reasoned: Yes
Whether reportable: No