

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

217

CWP-31735-2019

Date of Decision: 16.10.2023

RAM PIYARI

... Petitioner

VERSUS

PUNJAB NATIONAL BANK

... Respondent

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

Present: Ms. Simran Sharma, Advocate for
Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate
for the respondent.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for seeking issuance of directions to the respondent-Bank to allow the petitioner to operate and withdraw from the bank account No.0576000100040777 and further seeking release or transfer of the amount from the said account to the account No.0576000100269877 in the name of the petitioner herein.

Learned counsel for the petitioner has argued that Ramu Prashad, the late husband of the petitioner, was employed with Bharat Sanchar Nigam Ltd. (hereinafter to be referred to as 'BSNL'). Unfortunately, he expired on 13.08.2014 and is survived by legal heirs namely the petitioner herein as the widow, sons namely Hari Kumar and Pawan Kumar and daughters namely Malti, Radha and Tirthavati @ Pooja Devi. The employer namely the BSNL deposited the amount of gratuity, pension and other retirement

benefits in the abovesaid bank account held in the name of Ramu Prashad. The petitioner approached the respondent-Bank for release of the said amount regarding the DCRG and to transfer the same in her own account, however, the respondent-Bank did not agree to the same. It is submitted that all other LR's have given 'no objection affidavits' to transfer of the aforesaid amount in the account of the petitioner and/or to permit her to operate the said account.

Counsel for the respondent-Bank has not disputed the existence of the aforesaid account as also the fact that the employer had transferred the benefits in the abovesaid account. It is informed that as per the statement of the aforesaid saving account, an amount of Rs.44,06,345.24/- is lying in the said account. However, as per the record of the respondent-Bank, there is no nomination for the said account. As per the banking guidelines, the bank has to settle the account as a 'death claim'. The bank approached the legal heirs whereupon it was provided the Legal Heirs Certificate issued by the Sub Divisional Magistrate, Tarn Taran as per which there are six LR's of Ramu Prashad deceased. The LR Hari Kumar is, however, not agreeing to divide the share equally amongst the LR's and has refused to sign the requisite documents for settlement of the claim as agreed and signed by the other LR's. As there is an objection to the settlement of the claim by the LR Hari Kumar, hence, it is within the domain of the Bank to settle the same. He further contends that the petitioner may have been nominated as an heir as per the service documents of late Ramu Prashad, however, since the aforesaid nomination is not applicable to the Bank and does not create any binding obligation on

the Bank, hence, the permission on the strength of the said Nomination cannot be extended to the petitioner to operate the said bank account.

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

Taking into consideration the aforesaid aspect as well as the dispute/objection raised by one of the LRs against settlement of the account as a 'death claim', it would not be appropriate for this Court to enter into an *inter se* inheritance dispute of the LRs of late Ramu Prashad.

The present petition is accordingly disposed of at this stage with liberty to the petitioner to file an appropriate petition/application before a competent Court of law for seeking the relief and/or disbursement of the amount lying in the abovesaid account, if so advised.

16.10.2023.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No