

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5008 of 2022

1. Syed Mukhtar Hussain Son of Late Syed Fida Hussain Resident of Flat No.-101, First Floor, A Wing, 90 Degree, Azam Construction, Opposite Aam Bagicha, P.S.- Phulwari Sharif, District- Patna.
2. Ahmadi Bano Daughter of Late Syed Fida Hussain Resident of Fida Hussain House, Fida Hussain Road, Post and P.S. and District- Jehanabad.

... .. Petitioner/s

Versus

1. The Punjab National Bank through the Managing Director and the Chief Executive Officer, Corporate Office, Plot No.4, Sector no.-10, Dwarka, New Delhi- 110075
2. The Managing Director and the Chief Executive Officer, Punjab National Bank, Corporate Office, Plot No.4, Sector no.-10, Dwarka, New Delhi-110075.
3. The Zonal Manager, Punjab National Bank, Zonal Office, R. Block, 2nd Floor near Chanakya Hotel, Birchand Patel Path, Patna- 800001.
4. The Circle Head, Punjab National Bank, Circle Office, Patna, South Near Rani Sati Temple, West Gandhi Maidan, 2nd Floor, Chandpura Place, Bank Road, Patna- 800001.
5. The Branch Manager, Punjab National Bank, Main Branch, Patna-Gaya Road, Jehanabad.
6. Md. Rashid Hussain S/o Late Abdul Hafiz, resident of Mohalla-Makhdumabad, Fida Hussain Road, P.O. and Distt.-Jehanabad-804408.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar Pathak, Adv.
	:	Mr. Nagendra Kr. Singh, Adv.
Respondent Nos. 2 to 5	:	Mr. Arvind Kumar, Adv.
For Respondent No. 6	:	Mr. Parash Nath, Adv.
For the Respondent/s	:	Mr. Kumar Priya Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 22-10-2024

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-

“(i) For the issuance of an appropriate writ, order, direction to the respondents to release the amount to the tune of Rs.22,68,516.89 (Rupees Twenty



two lacs sixty eight thousands five hundred sixteen and eighty nine paise) which has illegally, arbitrarily and in collusion with officials of PNB, Main Branch, Patna-Gaya Road, Jehanabad been transferred in S/B account no.0228000100384749 of one Mohd. Rashid Hussain, Punjab National Bank, Main Branch, Patna-Gaya Road, Jehanabad from the S/B account No.0228000300090554 of deceased depositor Late Safia Khatoon mother of petitioners on 01.06.2021 which is in utter violation to the guidelines on settlement of claim pertaining to the deceased customer of the Bank in respect to the deposit.

(ii) For further direction to the respondents to credit the aforesaid amount to the tune of Rs.22,68,516=89 in S/B account No.0228000100302879 of the petitioner No.1 in P.N.B., Main Branch, Patna-Gaya Road, Jehanabad on the basis of succession certificate granted/issued in favour of the petitioners in respect of S/B account No.0228000300090554 of Late Safia Khatoon the deceased depositor in P.N.B. Main Branch Patna-Gaya Road, Jehanabad by the learned Sub Judge Ist, Jehanabad vide his order dated 26.3.2021 passed in Succession case No.02/2020 by which and whereunder the petitioners have been declared successors to the account of Late Safia Khatoon the deceased depositors, mother of the petitioners.

(iii) For further direction to the respondents to take legal/stern action and to register a criminal case against the erring officers of the Bank who had illegally transferred the such huge amount in S/B account No.022800100384749 of one Mohd. Rashid Hussain without any valid reason and knowing the fact that Succession Certificate has already been granted/issued in favour of the petitioners by the competent court learned Sub judge Ist, Jehanabad on 26.03.2021 in Succession case No.02/2020 and copy thereof had already been received by Bank on 20.4.2021.

(iv) For any other relief or reliefs for which the petitioners are found entitled to in the facts and circumstances of the petitioners.”

3. It is the case of the petitioners that they are the legal

heirs of one Shrimati Late Safia Khatoon who happened to be their



mother. That during the lifetime of Late Safia Khatoon, she was having an account in Punjab National Bank, (PNB) Main Branch, Jehanabad bearing S/B Account No. 0228000300090554. That one of the brothers of Late Safia Khatoon i.e., namely Md. Rashid Hussain (the respondent No. 6 herein) with a view to usurp her savings and property has got himself nominated in the said S/B Account surreptitiously taking advantage of old age and illness of the mother of the petitioners. That the petitioners soon after coming to know about the nefarious activities of the respondent No. 6 have intimated the PNB, Main Branch, Jehanabad not to disburse any amounts from the S/B account of Shrimati Safia Khatoon. However, the Bank officials without proper verification or intimation to the petitioners have transferred an amount of Rs. 22,68,516.89 (Twenty Two Lakhs Sixty Eight Thousand Five Hundred Sixteen and Eighty Nine Paise) to the account of the respondent No. 6 herein. That after the death of the Safia Khatoon, the petitioners have filed a succession suit i.e., Succession Case No. 02/2020 before the Sub Judge, Jehanabad and the same was granted/decreed on 26.03.2021. That one of the brothers of the Late Safia Khatoon has also filed another succession case bearing no. 03/2020 to declare her five brothers as legal heirs of Late Safia Khatoon however, the same was dismissed by the trial Court. That



immediately after obtaining the succession certificate, the petitioners have approached the Punjab National Bank and given a request not to disburse the amounts lying in the account of Late Safia Khatoon and transfer the same in their favour. However, the authorities have not taken any action and on the other hand they have transferred the entire amount lying in the S/B Account of Late Safia Khatoon in favour of the respondent No. 6.

4. Learned counsel appearing on behalf of the petitioners has stated that the act of the respondent-Bank in transferring the amount lying in the account of Late Safia Khatoon in favour of her brother without there being any succession certificate produced on his behalf and contrary to the requests made by the petitioners herein is illegal, arbitrary bad in law and colourable exercise of power. Learned counsel has stated that the once the succession certificate has been issued by the competent Civil Court having the jurisdiction, the authorities are bound to follow the same and in this particular case, the succession certificate issued by the competent Court in favour of the petitioners ought to have been acted upon the Bank but they have failed to do so. Learned counsel has therefore, prayed this Hon'ble Court to allow the present writ petition and direct the respondent-Bank to re-transfer the amount back to the petitioners which are lying in the account of the



respondent No. 6 which were surreptitiously transferred from the account of Late Safia Khatoon to that of the respondent No. 6.

5. *Per contra*, the learned counsel appearing on behalf of the respondent-Bank has stated that the respondent No. 6 was nominated as a nominee of Late Safia Khatoon who was admittedly having a S/B account in their Banks. Learned counsel has stated that as per the guidelines issued by the Reserve Bank of India and also the provisions of Banking Regulations Act, 1949 more particularly, Section 45(Z), the authorities are bound to pay the amounts lying in the name of savings bank account holder/ fixed deposit holder to the nominee. That in this particular case the account holder had nominated the name of the respondent No. 6 as a nominee, therefore, the authorities had to transfer the amounts lying in the account of Late Safia Khatoon after her death in favour of the respondent No. 6. That immediately after coming to know about the succession certificate granted by the competent Civil Court in favour of the petitioners herein the amounts which were transferred to the account of the respondent No. 6 have been frozen and as on date they are intact and the respondent No. 6 has not been allowed to withdrawn the same. Learned counsel has stated that the respondent-Bank are bound by the succession



certificate issued by the Competent Civil Court and will abide by any directions that this Hon'ble Court gives.

6. Learned counsel appearing on behalf of the respondent No. 6 has vehemently denied the relationship between the Late Safia Khatoon and that of the petitioners and stated that as a matter of fact, the petitioners are not the son and daughter of the Late Safia Khatoon but they are the children of the husband of Late Safia Khatoon from his first wife and, therefore, they are not entitled for any succession. Learned counsel has stated that the respondent-Bank have duly followed the law and transferred the amount lying to the S/B account of Late Safia Khatoon in favour of the respondent No. 6 herein as he was nominated by Late Safia Khatoon to receive the amounts lying in her account after her death. Learned counsel has stated that the respondent No. 6 was not made a party to the Succession Certificate No. 02/2020 by the petitioners herein and, therefore, he had no knowledge about the pendency of the same nor subsequent passing of any decree in their favour. That as soon as the respondent No. 6 came to know about the passing of the decree, the same has been challenged by respondent No. 6 before the Sub Judge Jehanabad for revocation of the succession certificate granted in favour of petitioners.



Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

7. Admittedly as seen from the record, irrespective of the relationship of petitioners with the Late Safia Khatoon the admitted fact is that as on date they have been declared as successors of Late Safia Khatoon by competent Civil Court in Succession Suit No. 02/2020. Once a succession certificate has been issued by the competent Civil Court, the same is binding on all persons including the Bank herein party to the said proceedings. However, it is to be noted that the respondent No. 6 has been shown as a nominee of Late Safia Khatoon and therefore, it cannot be said that transfer of the money by the bank from the account of Late Safia Khatoon to that of the respondent No. 6 is illegal and arbitrary. As it is stated by the counsel for the respondent No. 6 and not denied by the petitioners that the succession certificate issued in favour of the petitioners is under challenge and the petitioners are contesting the same and filed therein written statement, this Court is of the opinion that the ends of justice would be met if the respondent-Bank is directed not to disburse the money in favour of anyone till the final disposal of the pending case filed by the respondent No. 6. Till such time, the final orders are passed by the competent Civil Court in the petition for



revocation filed by the respondent No. 6 against the order of succession certificate No. 2/2020, the Bank shall not permit any person to withdraw the amounts. Further, having regard to the fact that both the petitioners as well as the respondent No. 6 are all senior citizens, this Court directs the Sub-Judge, Jehanabad Court to expedite the case pending before it and pass orders strictly in accordance with law preferably within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.04.2025.
Transmission Date	NA

