IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.114 of 2022
In
Civil Writ Jurisdiction Case No.9856 of 2021

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Madhuri Devi Wife of Late-Ramakant Prabhakar, Resident of Village-Saguni, P.S.-Masaurhi, District-Patna.

... ... Petitioner/s

Versus

1. The State Bank of India through the Chief General Manager, West Gandhi Maidan, Patna.
2. General Manager. State Bank of India, West Gandhi Maidan, Patna.
3. Branch Manager, Masaurhi Branch-State Bank of India
4. Devanti Devi Wife of Late-Ramakant Prabhakar, Residentof Vilage-Saguni, P.O. Rewan, P.S. Masaurhi, District-Patna.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kishor Kumar Thakur, Advocate Mr. Braj Kishore Singh, Advocate
For the Opposite Party/s	:	Mr. Namrata Mishra
For the SBI	:	Mr. Amish Kumar, Advocate Mr. Krishna Chandra Jha, Advocate
For the respondent No.4	:	Mr. Binod Kumar Sinha, Advocate Mr. Ajay Kumar Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

12 04-01-2024 The present civil review is filed to review the co-ordinate Bench order dated 29.01.2022 passed in C.W.J.C. No.9856 of 2021.

2. Grievance of the review petitioner, Madhuri Devi, W/o Late Ramakant Prabhakar is for a direction to the Branch Manager, State Bank of India, Masaurhi, Patna to lift the oral ban to operate joint savings bank account standing in the

name of the petitioner with her late husband, Ramakant Prabhakar, account no. 11421166671.

3. Learned counsel for the review petitioner submitted that co-ordinate Bench has not apprise the terms and conditions for opening of joint account by more than one individual, even after death of the one of the joint account holder. It is necessary to re-produce relevant portion of the State Bank of India's guidelines in particularly Clauses K, reads as under:

> *"K. The joint account holders can give any of the following mandates for the disposal of balance in the above accounts at the time of maturity:*
>
> > *i. Either or Survivor: If the account is held by two individuals say, A & B, on maturity the final balance along with interest, if applicable, will be paid to any one of the account holders or survivor.*
> >
> > *ii. Anyone or Survivor/s: If the account is held by more than two individuals say, A, B and C, on maturity the final balance along with interest, if applicable, will be paid to any one of the joint account holders or to the survivor(s) on death of any one/two account holders.*
> >
> > *iii. Former or Survivor: If the account is held by two individuals say, A &*

B, on maturity the final balance along with interest, if applicable, will be paid to A. In case of death of A, it will be paid to B on maturity.

iv. Latter or Survivor: If the account is held by two individuals say, A & B, on maturity the final balance along with interest, if applicable, will be paid to B. In case of death of B, it will be paid to A on maturity.

The above mandate for opening joint accounts/disposal of balances becomes operational from the date deposit account is opened. This mandate can be modified with the consent of all the account holders. In case of joint accounts, the premature withdrawal of Term Deposits will depend on the mandate given by the depositors jointly at the time of opening the Term Deposit or at any time subsequently during the term/tenure of deposit. If such a mandate has been obtained, premature withdrawal of Term Deposits by the surviving depositor is allowed without seeking the concurrence of the legal heirs of the deceased joint deposit holder. "

4. Reading of the aforementioned clauses, it does not provide any right to a third party like Smt. Devanti Devi stated to be the wife of Late Ramakant Prabhakar. Assuming that Smt. Devanti Devi is legally wedded wife of

Late Ramakant Prabhakar, still reading of the aforementioned clauses for the purpose of opening and operation of joint account read with the fact that one of the joint account holder dies in that event what are the consequences. Consequences, do not provide any right to a third party rather than the joint account holders. Therefore, there is error apparent on the face of the record, in so far deciding C.W.J.C. No.9856 of 2021.

5. Learned counsel for the Smt. Devanti Devi submitted that she is legally wedded wife of Late Ramakant Prabhakar and she is entitled to have certain benefits out of joint account of Late Ramakant Prabhakar and Madhuri Devi, after death of Ramakant Prabhakar. Therefore, there is no infirmity on the part of the respondent Bank in orally informing the review petitioner, Madhuri Devi, in so far as the oral ban to operate the account no. 1142166671 in the Branch, State Bank of India, Masaurhi, Patna.

6. Smt. Devanti Devi has not pointed out any relevant guidelines which protect her right to claim any certain amount which is lying in the joint account maintained by Late Ramakant Prabhakar and Madhuri Devi. Therefore, there is error apparent on the face of the record in the order dated 29.01.2022 passed in C.W.J.C. No.9856 of 2021 in noticing

terms and conditions to operate joint account by Account holders. Accordingly, the review petitioner has made a case, so as to recall the order dated 29.01.2022 passed in C.W.J.C. No.9856 of 2021 and it is set aside C.W.J.C. No.9856 of 2021 stands restored on the file.

7. Registry is hereby directed to list C.W.J.C. No.9856 of 2021 before roaster Bench on 01.02.2024.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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