

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.516 of 2024
In
Civil Writ Jurisdiction Case No.4840 of 2024

1. Debopriyo Banerjee S/o Late Devashish Banerjee, Resident of P.C. Colony, P.S.- Kankarbagh, District - Patna.
2. Daibil Banerjee, minor, son of Late Devashish Banerjee, under the guardianship of his Natural mother Devasree Banerjee, W/o Late Devashish Banerjee, resident of P.C. Colony, P.S.- Kankarbagh, District - Patna.

... .. Appellant/s

Versus

1. Swami Suvirananda General Secretary for the time being of the Ramakrishna Mission a Registered Society, having its Registered Office and Headquarter sat Belur, Post Office- Belur Math, Police Station- Bally, District- Howrah, PIN Code- 711202, West Bengal, presently residing at Belur Math, Post- Belur Math, P.S.- Bally, District- Howrah, West Bengal- 711202.
2. The State Bank of India, through its Chairman, State Bank Bhawan, M.C. Road, Nariman Point, Mumbai- 400021.
3. The General Manager, State Bank of India, Zonal Office, Gandhi Maidan, Patna- 800001.
4. The Regional Manager, State Bank of India, Regional Business Office, Patna Central (Region-2), 3rd Floor, Administrative Office Building, Judges Court Road- 800028.
5. The Branch Manager, State Bank of India, Personal Banking Branch, Doctors Colony, Kankarbagh, Patna.
6. The Punjab National Bank, through its Chairman, Sector-10, Dwarka, New Delhi- 110075.
7. The General Manager, Punjab National Bank, R- Block- 2nd Floor, Near Chanakya Hotel, Veer Chand Patel Path, Patna-800001.
8. The Regional Manager, Punjab National Bank, R- Block, 2nd Floor, Near Chanakya Hotel, Veer Chand Patel Path, Patna-800001.
9. The Branch Manager, Punjab National Bank, Kankarbagh, Patna.
10. Bank of Baroda, through its Chairman, Baroda Bhawan, R-C. Dutt Road, Alka Puri, Baroda- 390097, Gujrat.
11. The General Manager, Bank of Baroda, 5th Floor, Aand Vihar, West Boring Canal Road, Patna- 800001.
12. The Regional Manager, Bank of Baroda, 4th Floor, Aand Vihar, West Boring Canal Road, Patna- 800001.
13. The Branch Manager, Bank of Baroda, PBS, Kankarbagh, Patna.



- 14. Central Bank of India, through its Chairman, Chandermukhi, Marinam Point, Mumbai- 400021.
- 15. The General Manager, Central Bank of India, Block- B, 2nd Floor, Maurya Lok Complex, New Dak Banglaw Road, Patna-800001.
- 16. The Regional Manager, Central Bank of India, Block- B, 2nd Floor, Maurya Lok Complex, New Dak Banglaw Road, Patna- 800001.
- 17. The Branch Manager, Central Bank of India, Lohiya Nagar, Patna.

... .. Respondent/s

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Appearance :

For the Appellants	:	Mr. Nand Kishore Singh, Advocate
		Mr. Ravi Prakash, Advocate
		Mr. Nishant Kishore, Advocate
For the Respondent No. 1	:	Mr. Jitendra Kumar Singh, Advocate
For the Respondent Nos. 2 to 5 (SBI)	:	Mr. Binod Bihari Sinha, Advocate
		Mr. Amarjeet Choudhary, Advocate
		Mr. Ajay Dutt Mishra, Advocate
For the Respondent Nos. 6 to 9 (PNB)	:	Mr. Mritunjay Kumar, Advocate
		Mr. Ram Ganesh, Advocate
For the Respondent Nos. 10 to 13 (BOB)	:	Mr. Vivek Prasad, Advocate
For the Respondent Nos. 14 to 17 (CBI)	:	Mr. Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-09-2024

The appeal is filed against the judgment of the learned Single Judge, which directed disbursal of the amounts to Ram Krishna Mission; the General Secretary of which Mission is the 1st Respondent, who claimed under a Will,



which was disputed by an individual who claimed to be the legal heir of the testator.

2. The learned Counsel for the appellants submits that in fact the Will was conditional, to be effectuated only on conducting the last rites of the testator and there was specific mention of a sister and her son who are the only remaining legal heirs of the testator, after her demise. It is the 1st Appellant who conducted the last rites of the testator. It is also submitted that there was an affidavit filed before the District Court, which was considering the probate application, that there was no surviving legal heirs of the deceased. Further, it is contended that no public notice was issued in newspapers and the notices were merely affixed in the District Court premises and the rented house of the deceased testator.

3. Learned Counsel also submits that the appellants had sought intervention in the writ petition, but however, the learned Single Judge on the very same day passed the order recording consent, which consent never was given by the learned Counsel. We do not make any observation on the aspect of consent, in the nature of the orders to be passed in this appeal.

4. The learned Counsel for the respondent no.1,



sought to uphold the order of the learned Single Judge especially considering the fact that the 1st Respondent is a charitable entity.

5. It is agreed by both parties that an appeal is filed against the order in the probate case, by the appellants herein, which is pending before this Court as First Appeal No. 9 of 2024.

6. In such circumstances, we are of the opinion that there is absolutely no requirement to release the amounts in favour of one of the contesting parties. We only make it clear that respondent-Banks, in whose custody the money of the deceased remains, shall put the same in a fixed deposit with duration of one year which shall be renewed periodically for the same term; and the disbursal shall depend upon the final orders passed in the appeal pending before this Court, numbered as First Appeal No. 9 of 2024.

7. We set aside the judgment passed in the writ petition with the above directions. The appellants shall produce copy of this judgment before the respondent- Banks, who shall comply with the directions herein.

8. We make it clear that insofar as the notice in the probate case and the existence of the legal heirs, we have only



recorded the submissions of the appellants herein and made no observation on merits; of the conflicting claims raised by the parties.

9. The appeal stands allowed setting aside the impugned judgment but subjecting the right over the estate left by the deceased to be decided in the First Appeal.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	24.09.2024
Transmission Date	N/A

