D/L.23.
May 21, 2024.
MNS.

WPA No. 13051 of 2024

Smt. Puspa Mondal and others
Vs.
State Bank of India and others

Mr. Rudra Prasad Sinha,
Ms. Aparupa Bhattacharya

… for the petitioners.

Mr. Subhendu Bandyopadhyay,
Mr. Arindam Mitra

…for the SBI.

1. Learned counsel for the petitioners submits that the petitioner no. 2 is the wife and the petitioner nos. 1 and 3 respectively are the children of one Ramu Mondal, who met his demise on May 14, 2021.
2. Upon his demise, the petitioners assert their 3/4th share in the contents of the Savings Bank Account held by the said deceased with the respondent no. 1-bank.
3. It is contended that the said late Ramu Mondal had another heir/son by the name of Mantu Mondal. However, the petitioners do not canvas their claim on behalf of Mantu Mondal, but merely seek a right to get back their entitlement in the Savings Bank Account of their deceased predecessor-in-interest. The bank has apparently refused to grant such disbursal to the petitioners on the ground

of said Mantu Mondal having taken a loan from the said branch of the bank and having failed to repay the same.

4. Learned counsel for the bank contends that as per banking norms, unless all the legal heirs of the deceased account holder come together and apply in proper format, the bank cannot permit some of the heirs of the deceased to operate the account, since there may be contrary claims subsequently by the other heirs.

5. Moreover, it is submitted that the petitioners have to apply in appropriate format, a copy of which is handed over in court and kept on record.

6. Learned counsel for the bank assures the court that copies of the same shall be supplied to the learned Advocate appearing for the petitioners during the course of the day.

7. Although the bank is justified in taking such stand in discharging their banking duties in the present case, since the bank claims dues on a debt against the other legal heir of the deceased, who is not before the court, and as none of the petitioners have taken any loan from the bank and/or have any dues to the bank otherwise, there cannot be any impediment for the bank to permit the

petitioners to withdraw their cumulative 3/4th share in the Savings Account of the deceased account holder, Ramu Mondal.

8. However, since the bank takes a stand that the petitioners have to apply in appropriate format, the purpose of justice would be subserved if the petitioners are permitted to do so.
9. Accordingly, WPA No. 13051 of 2024 is disposed of by granting liberty to the petitioners to apply in the appropriate format in terms of the proforma handed over by learned counsel for the bank to the learned Advocate for the petitioners during the course of the day.
10. If such application(s) is/are made, the bank shall permit the petitioners to operate the Saving Bank Account standing in the name of the deceased Ramu Mondal, their predecessor-in-interest, in the ratio of their shares in the estate of Ramu Mondal, that is, 1/4th share for each of the petitioners, totalling to 3/4th share in the said account.
11. Insofar as the dues claimed by the bank against the other legal heir Mantu Mondal, the bank shall be entitled to retain the remaining 1/4th share of said Mantu Mondal in the said account and to take appropriate steps in

accordance with law against the said Mantu Mondal for realization of the bank dues against the said heir of the deceased Ramu Mondal.

12. It is further clarified that the bank shall permit the petitioners to operate their share in the account irrespective of any application being filed by the left-out legal heir Mantu Mondal.
13. There will be no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)