

07.10.2024
Sl. No.49
Ct.3/ tkm

W.P.A. 15799 of 2023
(Munmun Ghosh vs. Union of India & Ors.)

Mr. Pallab Ghosh

Mr. Madhu Jana

... .. for respondent nos. 1, 2 & 3

1. The present Writ Petition has been filed by the petitioner seeking a direction against respondent Nos. 1 and 2 for the refund of a sum of Rs. 6,00,000/- that was allegedly mis-appropriated by respondent no. 4 from their joint account.
2. In the present Writ Petition the petitioner contends that she, along with respondent no. 4 was a joint holder of a Joint-B type term account, bearing account no. 4351403404. The said amount was deposited by the petitioner, having been given to her by her mother intended for the higher education of her son. Due to matrimonial dispute between the petitioner and respondent no. 4, the petitioner separated from respondent no. 4. Subsequently, the petitioner by a letter dated 21.01.2021 requested the post master at Shyamnagar Post Office to take necessary steps to prevent respondent no. 4 from withdrawing the deposited amount without her consent.
3. However, by a letter dated 27.01.2021 the post master informed the petitioner that under the

POSB Rules and norms any of the depositors is legally entitled to close the account at any time. Despite being notified of these rules the petitioner failed to take immediate steps to safeguard her interest by closing the account or by resorting to any other means to secure the amount deposited in the said account. Consequently, respondent no. 4 proceeded to close the account and mis-appropriate the funds deposited therein.

4. Having heard the submissions of learned counsel for the petitioner and having perused the records, this Court acknowledges the unfortunate circumstances in which the petitioner finds herself. The matrimonial dispute with respondent no. 4 and the subsequent loss of the deposited funds, are those kinds of matters that naturally invoke empathy.
5. It is evident that respondent nos. 1 and 2 particularly the post master acted in accordance with the established POSB Rules and norms. The petitioner was duly informed that under the regulations governing joint deposit accounts either depositors have the authority to close the account at any time. Thus, the respondents cannot be held accountable for any alleged mis-appropriation of funds by respondent no. 4 as

they were not in violation of any rule and regulation. Despite being fully aware of the POSB norms the petition failed to take timely action by closing he said account at that earlier stage so that the money could be transferred to her account. Unfortunately she did not close the account at that stage. To her misfortune, respondent no. 4 subsequently proceeded to close the said account and mis-appropriate the funds.

6. In view of the above, the Court finds that the present Writ Petition is devoid of merit. There is no cause for granting the relief sought by the petitioner as respondent nos. 1 and 2 cannot be held liable for the petitioner's loss.
7. In light of the above mentioned facts, the present Writ Petition is dismissed.

(Gaurang Kanth, J.)