



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

269

CWP-575-2024
Date of Decision: 23.07.2024

SHANKY GOYAL AND ORS

... Petitioner

VERSUS

PUNJAB AND SIND BANK

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Vishal Singh, Advocate
for the petitioner.

Mr. Teginder Singh, Advocate for
Mr. Gaurav Goel, Advocate; and
Mr. Ranvir S. Chauhan, Advocate
for respondent No.1- Bank.

Mr. Suneel Ranga, DAG, Haryana
for respondent No.2.

None for respondent No.3- proceeded
ex-parte today.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to defreeze the current account of M/s Durga Confectionery Stores i.e. account No.03721100001649 with a further prayer to set aside the letter W.NO.7078 dated 06.11.2023 (Annexure P-3) vide which the abovementioned current account has been put on total freeze mode; and further to appoint petitioner No.1 (being son of Mr. Madan Lal) as guardian of M/s Durga Confectionery Stores which is the sole proprietorship of Mr. Madan Lal.

The petitioners, who are son, daughter and wife of Madan Lal (the sole proprietor of M/s Durga Confectionery Stores), have approached this Court for appointment of petitioner No.1 as guardian of Madan Lal, who is in a comatose state since 08.06.2023 on account of his having suffered a heart attack. Said Madan Lal was running the business of confectionery shop under the name of style of M/s Durga Confectionery Stores, which has a current account bearing No. 03721100001649 since a decade. He was admitted in Alchemist Hospital, Sector 21, Panchkula and is at present totally bed ridden and in the ICU set up at home i.e. House No.1131, Sector 12-A, Panchkula. The business has thus remained unattended and consequently ran into losses. He is currently undergoing treatment at home and a sum of Rs.2,46,000/- per month is being incurred on his treatment. The details of monthly medical expenses are given as under:

Sr. No.	Particulars	Amount (per month)
1.	Nursing Staff – ICU trained	55,000/-
2.	GDA- Helper	27,000/-
3.	Equipments on rent Bed, Suction Machine, Cardiac Monitor, Oxygen Concentrator, DVT Pump	19,000/-
4.	Visiting/consulting doctor	20,000/-
5.	Physician (Physiotherapy)	15,000/-
6.	Medicines and Consumables	1,10,000/-
	Total	2,46,000/-

The medical record of Madan Lal has also been appended alongwith the present petition including the discharge report. Madan Lal was 52 years of age

at the relevant point of time. He has been suffering from multiple ailments thereafter and despite being managed conservatively, it still requires a heavy financial exposure. It is argued that ignoring the financial hardship of the family, the respondent bank, vide its letter dated 06.11.2023 (Annexure P-3), has frozen the bank account of M/s Durga Confectionery Store on the ground that the health condition of Madan Lal is not well and that the said bank account shall be kept on freeze mode until Madan Lal visits the branch personally. It is further submitted that the amount lying in the said bank account was being used for the day to day functioning of the business and no amount is being misused. It is further submitted that the petitioners have no sufficient balance in their accounts to meet out the daily affairs of the business and the expenses to be incurred on the treatment of Madan Lal. He submits that the petitioners do not have much in their account.

The details of the bank account of the petitioners are tabulated as under:

Sr. No.	Name and Account Details	Balance
	SHANKY GOYAL:	
1.	HDFC Bank 50100231214171	24K
2.	KOTAK MAHINDRA – 5012565172	16K
3.	FINCARE BANK – 21100004061506	Rs.470/-
4.	UNION BANK -520291003867507	13K
5.	HDFC LOAN (12 TH SEPTEMBER 2023) 50200086358700	Rs.18 Lacs OD
	RAJ BALA	
6.	HDFC BANK – 50100366822230	17K
	MADAN LAL:	
7.	HDFC BANK -50100422493444	ZERO
8.	PUNJAB AND SIND BANK – 03721000504400	71K



Upon coming to know about the action of the respondent Bank in freezing the bank account of M/s Durga Confectionery Stores, the petitioners immediately approached the respondent-Bank and moved a representation dated 15.11.2023 and explained the entire state of affairs being faced by them and requested to make the account operational, but the respondent-Bank did not adhere to the requests of the petitioners. Hence, the instant writ petition has been filed thereafter.

Counsel for the petitioner contends that the petitioners have exhausted all their resources in meeting out the financial burden and medical expenditure for the treatment of Madan Lal and that they may be permitted to operate the said bank account of M/s Durga Confectionery Store to augment their financial resources for continuing the treatment of Madan Lal as well as the business activities.

Notice in the present petition was issued. No one, however, has filed any objection(s) on behalf of General Public despite publication in the newspaper. The respondent-General Public is thus ordered to be proceeded against *ex parte*.

At the same time, a report had also been called from the Civil Surgeon, Civil Hospital, Sector 6, Panchkula. A Committee of three specialist Doctors comprising of Dr. Jitendra Singh, ENT Surgeon, Dr. Girish Bansal, Physician and Dr. Ravinder, Anesthetist was constituted to examine the patient and as per the report of the said Committee, Madan Lal has been reported to be suffering from "Acute MI with Resuscitated Cardiac Arrest and Hypoxic Ischemic encephalopathy. The patient is unable to perform any voluntary and daily routine



activities. As above explained condition of the patients seems to be unlikely to improve.”

Hence, it is evident that Madan Lal – father of petitioners No.1 and 2 and husband of petitioner No.3 is undisputedly in a vegetative state.

Taking into consideration the totality of the circumstances and larger interest of justice and also noticing that there is no other claimant to dispute the status of the petitioners and/or their entitlement to operate the account of M/s Durga Confectionery Store, the present petition is allowed. Resultantly, Mr. Shanky Goyal son of Madan Lal is hereby appointed as guardian of Madan Lal and is authorised to operate the current account of M/s Durga Confectionery bearing No.03721100001649. Apart from that, he will also be entitled to operate any other savings/current bank accounts, bank deposits and lockers, if any belonging to Madan Lal with respondent No.1- Punjab and Sind Bank, subject to any other order that may have been passed by any Court of competent jurisdiction restraining operations of the said account(s). The respondent bank is also directed to make the said current account operational for the use of petitioner No.1 having been appointed as guardian of Madan Lal.

Petition stands allowed accordingly.

JULY 23, 2024
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No