

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15489 of 2022

Most. Champa Devi W/o Late Bacha Pd. Singh Resident of Village-
Sikandarpur, P.S.- G.B. Nagar, District- Siwan, at present S.K. Puram, Lane
No.- 7. R.P.S. More, Danapur, Patna ... Petitioner

Versus

1. The Bank of India Through its Chairman Cum Managing Director
2. The Zonal Manager, Bank of India, Patna Zone, Chanakya Tower, R-Block, Patna- 800001.
3. The Zonal Manager, Bank of India, Human Resources and Development Department, Chanakya Tower, R-Block, Patna.
4. The Deputy Zonal Manager, Bank of India, Pankaj Market, Saraiyaganj, Muzaffarpur.
5. The Sr. Branch Manager, Rajendra Path Branch, Bank of India, Siwan.
6. The Branch Manager, Rajendra Path Branch, Bank of India, Siwan.

... Respondents

Appearance :

For the Petitioner : Mr.Dhananjay Kumar Shahi, Adv.
For the Respondents : Mr.Nishi Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 30-04-2025

Heard counsel for both the parties.

2. The present writ petition has been filed for the following relief(s) :

i. An appropriate writ/ order/ direction, commanding permission the respondents for transfer to the grant amount present in the account of petitioner's husband Late Baccha Pd. Singh, A/C No. 445010100004795, Bank of India, Rajendra Path Branch, Siwan into petitioner's A/c No.-578710110002873 Bank of India, Saguna More Branch, Patna be issued.

ii. An appropriate writ/ order/ direction commanding the respondents to from enforcing unnecessary citizen/ old



lady be issued. to refrain senior

iii. Any other relief or reliefs which the petitioner is entitled to be granted.

3. Learned counsel for the petitioner has stated that the husband of the petitioner Late Bacha Prasad Singh died on 12.08.2015 leaving behind the petitioner, one daughter and one son as his legal heirs. That during the life time of Late Bacha Prasad Singh he had opened a saving accounts with the Respondent-Bank, i.e., Bank of India, Rajendra Path Branch, Siwan, (Respondent No. 5). That the Respondent-Bank instead of making several representations, has not transferred the money lying in the saving bank account of Late Bacha Prasad Singh. Counsel has stated that the petitioner is having a saving bank account with the Respondent-Bank at Saguna More Branch, Patna, and a direction may be issued to the Respondents to transfer the amounts which are lying in the account of Late Bacha Prasad Singh to the bank account of the petitioner.

4. Learned counsel appearing on behalf of the Respondents vehemently opposed the very maintainability of the present Writ Petition. Learned counsel has stated that the petitioner is obligated to submit succession certificate issued by a competent



Civil Court or any family members certificate issued by the concerned Circle Officer duly annexing the no objection affidavit of the other legal heirs of Late Bacha Prasad Singh stating that they have no objection for transferring the amounts lying in the account of their father to that of their mother. That the Bank has no objection for transferring the amounts lying in the account of Late Bacha Prasad Singh to the account of the petitioner. Counsel has therefore prayed this Hon'ble Court to direct the petitioner to submit the above mentioned documents.

4. Learned counsel for the petitioner in reply stated that the petitioner has duly enclosed the notarized no objection affidavit of the son and daughter of Late Bacha Prasad Singh and besides them there are no other legal heir to claim the amount. Learned counsel has therefore prayed this Hon'ble Court to allow the present Writ Petition and direct the authorities to transfer the amount lying in the account of Late Bacha Prasad Singh to that of the petitioner.

5. Admittedly as seen from the record late Bacha Prasad Singh had a saving bank account in the Bank of India, Rajendra Path Branch, Siwan, and he died on 12.08.2015 leaving behind the petitioner, one son and one daughter.

6. Having regard to the fact that the petitioner is an old lady aged more than 79 years, this Court is of the opinion that the



ends of justice would be met if the petitioner is directed to furnish an affidavit duly notarized indemnifying the Bank of any loss if any third party claim is made over the amounts of Late Bacha Prasad Singh. The affidavit should state that the petitioner shall indemnify the Bank of any loss that may be sustained in case any other person claims the amount. The petitioner shall also furnish the notarized affidavit of other two legal heirs i.e., Renu Singh and Anil Kumar Singh daughter and son respectively of Late Bacha Prasad Singh along with her affidavit within a period of four weeks from today. On furnishing the same the Respondent-Bank is directed to transfer the amount lying in the saving bank account of late Bacha Prasad Singh bearing no. 445010100004795 to the account of the petitioner in the same Bank at Saguna More Branch, Patna, bearing account no. 5787101100002873 within a period of two weeks thereof.

7. With the above directions, the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

Shamshad/-

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