

ML 175
10.03.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2550 of 2024

Sunil Gupta
Vs.
The Indian Overseas Bank & Anr.

Mr. Sounak Bhattacharya.
Mr. Sounak Mondal.
... for the Petitioner.

Mr. R. K. Jha.
... for the respondent nos. 1 and 2.

1. The petitioner seeks refund of the amount which was kept in the fixed deposit accounts with the Indian Overseas Bank in the name of one Ghanshyam Das Gupta, the father of the petitioner (since deceased).
2. The petitioner claims that his name has been registered with the bank as nominee of the subject fixed deposits. His father expired on 7th October, 2014 but the bank is yet to release the amount held in the fixed deposit accounts in favour of the petitioner.
3. The petitioner prays for releasing the amount of the fixed deposits.
4. Learned advocate representing the Bank submits that the account holder expired in the year 2014 but the petitioner, for the first time, approached the bank for refund of the fixed deposit amount only in the year 2023.
5. The bank requested the petitioner to provide the original death certificate, legal heirship certificate and the claim form with annexures /details but the

petitioner failed to submit any of the documents sought for.

6. The original fixed deposit receipts have also not been produced before the bank for processing the claim of the petitioner.
7. It has been submitted that a Will in the name of the account holder has been produced before the bank. The said Will is yet to be probated.
8. Learned advocate for the bank submits that the petitioner is receiving the interest on the fixed deposits and as soon as the documents sought for are produced, the fixed deposit amount will be released in favour of the claimant.
9. As it appears that no copy of the probate has been produced before the bank, accordingly, the bank will be obliged to follow the mandate given by the account holder (since deceased). The amount is liable to be disbursed in favour of the nominee as per the arrangement made by the account holder.
10. The petitioner is directed to provide the necessary documents to the bank for processing the fixed deposit claim.
11. On submission of the relevant documents, the bank shall release payment in favour of the claimant at the earliest but positively within a fortnight from the date of deposit of all documents.
12. Affidavit-of-service filed in Court today is kept with the records.
13. Instruction forwarded by the bank be retained with the records.
14. The writ petition stands disposed of.
15. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)