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02.09.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 5697 of 2025

**Puspita Dan (Mondal)
-versus
Axis Bank Limited & Ors.**

**Mr. Abhijit Singh,
Mr. Debottam Das.
...For the Petitioner.**

**Mr. Anshunath Chakraborty.
...For the Respondent No.5.**

1. Learned advocate appearing on behalf of the private respondent seeks leave to file Vakalatnama.

2. Leave sought for is allowed. Let Vakalatnama be filed in the department by 3rd September, 2025.

3. The petitioner claims to be the legally married wife of one Indrajit Dan, since deceased.

4. The petitioner has averred in the writ petition that the marriage between the petitioner and Indrajit Dan was solemnized on 11th March, 2020 as per the Hindu rites, rituals and customs and the said marriage was registered as per the Hindu Marriage Act, 1955 on 20th February, 2022.

5. The petitioner has also averred that her deceased husband Indrajit Dan obtained order of divorce in a Matrimonial Suit being no. 267 of 2018 on 6th August, 2020 from the Court of the Learned District Judge, Nadia.

6. The petitioner has certain claims with regard to the assets and liabilities left by the deceased Indrajit Dan. The Banks where the deceased Indrajit Dan maintained the Bank accounts are raising objection and are allegedly transferring the assets in favour of the private respondent who is the son of the deceased Indrajit Dan from his first marriage.

7. The petitioner is aggrieved by the same.

8. The petitioner prays for a direction upon the Banks to refer the matter to the Banking ombudsman for ascertaining the assets and liabilities which may come to the hands of the petitioner and the portion which may be received by the private respondent as nominee.

9. Learned advocate appearing on behalf of the respondent no.5 raises an objection with regard to the submission made by the petitioner.

10. It has been submitted that the petitioner contracted marriage with the deceased Indrajit Dan during the subsistence of the earlier marriage. The said marriage is void and no right accrued in favour of the petitioner to any property left by the deceased.

11. It appears from the submissions made on behalf of the parties that the parties are Hindus and governed by the Hindu Marriage Act, 1955. As per the averments made by the writ petitioner, Indrajit took divorce from his erstwhile wife Sabita on 6th August, 2020 but he contracted marriage with the petitioner on 11th March, 2020, that is, during the subsistence of the first marriage. The said marriage between the petitioner and the deceased apparently cannot be held to be valid as per the Hindu Marriage Act. If the marriage is invalid, then the petitioner cannot claim any right to the properties left by the deceased.

12. In view of the above, the relief sought for by the petitioner cannot be allowed.

13. The writ petition fails and is hereby dismissed.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)