

03.03.2025
Item No.13
gd/ssd

FMA/830/2024
TANMOY MITRA
VS
INDIAN BANK AND ORS.
IA NO: CAN/1/2024

Mr. Manoj Kumar Roy
..for the Appellant.

Mr. Shiv Mangal Singh,
Ms. Anjali Mishra
..for the Respondent Bank.

Ms. Subhasri Chatterjee
..for the Respondent No.4.

1. This intra court appeal by the writ petitioner is directed against the order dated 15.5.2024 in WPA 25512 of 2023.

2. The said writ petition was filed for issuance of a Writ of Mandamus to direct the respondent nos.2 and 3, namely, the Zonal Manager, Indian Bank, Barasat and the Branch Manager, Indian Bank, Habra Branch to take steps for issuance of notice to the 4th respondent, who is the wife of the appellant as well as the appellant for appearance on a date fixed for taking out/releasing of the contents of the Bank Locker being Locker No.60D, Key No.50, Folio No.4/210 and for a further direction to the bank to identify the items which are to be handed over to the appellant as well as to the private respondent. Further direction was sought for upon the respondent/bank to change the joint bank

locker from joint holder to single holder either in the name of the appellant or in the name of the 4th respondent.

3. The learned Single Bench by the impugned order dismissed the writ petition.

4. Further, we noted the learned writ court had dismissed the writ petition with costs of Rs.20,000/- and directed the appellant to pay the costs to the 4th respondent which was complied with by issuing a demand draft in her name dated 24.9.2024.

5. Since the parties are at loggerheads and agitating their respective case before the Matrimonial Court, this court is of the view that an intermediary solution can be arrived at in this writ petition but definitely no prayer sought for by the writ petitioner since the respondent/bank cannot identify and distribute the articles which are alleged to be kept inside the joint locker.

6. With a view to provide an opportunity to the parties to agitate their respective rights in the matrimonial proceedings, we direct the respondent nos.2 and 3 to issue notice to the petitioner as well as the 4th respondent to be present on a particular day in the 3rd respondent/Branch along with their authorized representatives and the Branch Manager in their presence shall open the locker and inventory of all the items shall be recorded and photographs of the articles

be taken and thereafter the articles shall be put back into the locker and the locker shall be locked and the keys shall be kept in custody of the Branch Manager. Copy of the inventory report and photographs be handed over to the appellant as well as the 4th respondent who shall move the Matrimonial Court for appropriate directions.

7. The learned advocate appearing for the respondent/bank submitted that there is every possibility there are no articles in the locker.

8. If that be so, the inventory report can state so and photograph of the empty locker be taken.

9. With the above directions, the appeal stands disposed of.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)