

Sl.9
19.09.2025
Court No.6
BP

C.O. 3319 of 2025

Smarajit Roychowdhury
-versus-
The Zonal Manager, Punjab National Bank & Ors.

Ms. Rakhi Dey
... for the petitioner

Ms. Sreemoyee Mitra
..for the Punjab National Bank

Mr. Sk. Md. Masud
..for the opposite party no.3

Affidavit of service filed in Court today is taken on record.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no. 18 dated August 28, 2025 passed by the learned Civil Judge, 11th Bench, City Civil Court at Calcutta in Title Suit No. 1304 of 2024.

By the order impugned the learned trial judge allowed certain persons to remain present at the time of breaking the locker being no. A 161.

The grievance of the petitioner is that though he has been directed to bear the proportionate cost of breaking open the locker but he has not been allowed to remain present at the time of breaking the said locker. The locker stood in the name of one Binapani Roychowdhury, since deceased. The petitioner and the opposite party no.3 are the sons of the said deceased.

The opposite party no.3 is the nominee of the bank locker who has been permitted to remain present at the time of breaking open the said locker. A receiver has been appointed who is to take custody of the articles lying inside the said locker.

This Court feels that the interest of justice would be sub-served if the petitioner, who is admittedly the son of the said deceased in whose name the locker is standing should be allowed to be present at the time of breaking open the said locker.

Bank is directed to allow the petitioner to remain present at the time of breaking the said locker. The petitioner shall also bear the proportionate cost as directed by the impugned order.

The order impugned stands modified only to the extent as indicated hereinbefore.

With the above observations, C.O. 3319 of 2025 stands disposed of.

There shall be however no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)