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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
CWP-32190-2024 (O&M)  
Date of Decision: 27.02.2025

CHAND RANI KAURA

-PETITIONER

V/S

UNION OF INDIA AND OTHERS

-RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Amit Jhanji, Sr. Advocate, with  
Mr. Sandeep Jain, Mr. Shashank Shekhar Sharma,  
and Mr. Sachin Jain, Advocates  
for the petitioner.

Ms. Jyoti Chaudhary, Sr. Panel Counsel,  
for respondent no.1-UOI.

Mr. Gaurav Goel, Advocate and  
Mr. Tarlok Singh, Advocate,  
for respondents no.2 to 4.

Mr. Arvinder Singh, Advocate,  
for respondents no.5 and 6.

**KULDEEP TIWARI, J. (ORAL)**

1. It is a case, wherein unfortunate events have unfolded as a lady of 88 years, who is aggrieved with the conduct of her own daughter and son, is running from pillar to post to get her own amount which is lying with the respondent-Bank in the shape of FDRs.

2. The averments as encapsulated through the instant petition, filed under Article 226/227 of the Constitution of India, for issuance of a writ of *mandamus*, are that the respondents no.2 to 4-Bank, are not allowing the petitioner to withdraw her amount, as deposited in Fixed

Deposits (FDRs).

3. The petitioner, asserts that she holds number of bank accounts as well as FDRs with the respondents no.2 to 4-Bank. The husband of the present petitioner, unfortunately died on dated 08.07.2024, and to perform the last rites of her husband, she came to India, alongwith her son, Sanjiv Kumar, i.e. respondent no.6.

4. The petitioner visited the respondents no.2 to 4-Bank for withdrawal of certain amount for donations, and for this purpose both private respondents no.5 and 6 accompanied her and she withdrew some amount on dated 12.09.2024, and 18.09.2024. After performing the last rites of her husband, the petitioner went back to USA, alongwith her son (respondent no.6).

5. The petitioner, since the time, she left India, she was asking for the statement of accounts, from her son, and furthermore, she also telephonically asked for the same, to the officials of respondents-Bank. She became suspicious, not only about the conduct of respondents-Bank, but also will the conduct of both her daughter, as well as son (respondents no.5 and 6 respectively). Subsequently, she came to know that by playing fraud, both respondents no.5 and 6, got added their names as nominee with the petitioner, and only then the petitioner came to know about the reasons for denying the requisite informations about her Bank Account/FDR's

6. Thereafter, the petitioner again came to India, and tried to encash the amounts of FDRs, and/or to delete/remove the names of

respondents no.5 and 6 as nominee, which were added without her consent, by deploying the methods of fraud.

7. What further reflects from a perusal of the instant petition, is that a huge amount i.e. about Rs.11,65,00,000/-, is lying deposited in 20 FDRs, and out of these 20 FDRs, respondent no.5 got her name added in 4 FDRs as nominee, and in remaining 16 FDRs, respondent no.6 got his name added as a nominee.

8. Upon notice, a detailed reply has been filed by respondents no.5 and 6, and therein, they maintained a stand that it is infact the petitioner, who voluntarily got admitted their names in the said FDRs, as nominees. Therefore, the petitioner can now only withdraw the amounts in the FDRs, with their consent, and they do not have any intention to give any concurrence to the petitioner to withdraw the amounts.

9. The sole legal objection was taken by respondents no.5 and 6, is the pendency of a civil suit, which was preferred by them before the learned Civil Court, at SBS Nagar, and even the interim stay, has been granted in their favour.

10. Though learned counsel for the petitioner, made vociferous attempt to convince this Court to pass the asked for *mandamus*, however, solely on account of pendency of the civil suit, this Court refrains itself to exercise its power to pass a *mandamus* upon the respondents-Banks, to release the amounts in the FDRs, in favour of the present petitioner.

11. At this stage, learned senior counsel for the petitioner, informs this Court, that the petitioner has moved an application for vacation of stay, in which the next date of hearing is 03.04.2025.

12. He in addition submits that private respondents no.5 and 6, are now adopting the dilatory tactics, as till date they have not filed any response to the application of the present petitioner, for vacation of stay.

13. The aforesaid submission, was opposed by learned counsel for respondents no.5 and 6, rather he submits that they are ready to file a response within a week from today, to the application seeking vacation of stay, as preferred by the petitioner.

14. He also submits that respondents no.5 and 6 can furnish a specific undertaking before this Court, that they will not adopt any dilatory tactics for disposal of the said civil suit.

15. In view of the above specific stand of the learned counsel for respondents no.5 and 6, at this stage, this Court deems it apt to dispose of the instant petition, with a *mandamus* upon the learned Civil Court, SBS Nagar, specifically, in view of the concurrence given by respondents no.5 and 6, to order preponement of the application for vacation of stay, so preferred by the presenting petitioner (defendant therein), in the month of March, 2025 itself, and make all its endeavour to decide the said application on or before 15.04.2025.

16. Further, considering the age and grievance of the present petitioner, a *mandamus* is passed upon the learned Civil Court concerned, to make its all efforts to decide the said civil suit, preferably within a year, from date of passing of this order,

17. Above *mandamus* is being passed upon the learned Civil Court concerned, considering the oral undertaking given by respondents no.5 and 6, that they will not adopt any dilatory tactics to delay the

adjudication of the civil suit.

18.           **Disposed of** accordingly.
19.           All pending application(s), if any, also stand **disposed** of accordingly.

February 27, 2025

*dharamvir*

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned.    :

Whether Reportable.            :

Yes/No

Yes/No