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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 24th February, 2025*

\+ W.P.(C) 16096/2023

SARFRAZ AHMED .....Petitioner

Through: Mr. Satvik Varma, Sr. Advocate with Mr. Arindam Bhardwaj, Mr. Shantanu Parmar, Mr. Balram and Mr. Navjot Kumar, Advocates.

versus

UCO BANK & ORS. .....Respondents

Through: Mr. Sarfaraz Khan, Advocate (through V.C.)

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T ***(oral)***

CM APPL. 11117/2025 (early hearing)

1. Petitioner seeks early hearing of the matter.

2. Learned counsel for respondents appears on advance notice and with the consent of both the sides, the date is preponed and the matter is taken up for final hearing today itself.

3. The application stands disposed of.

4. The next date stands cancelled.

W.P.(C) 16096/2023

5. Petitioner Sh. Sarfraz Ahmed is son of Sh. Jalil Ahmed (since deceased).

6. After the unfortunate demise of his father, petitioner had filed a petition under Section 372 of Indian Succession Act, 1925 for grant of *Succession Certificate*. The State, various Banks and other legal

representatives were made party to the aforesaid succession petition and after trial, the above said petition was allowed in favour of the petitioner *vide* judgment dated 06.03.2023.

7. The issue in the present writ petition merely relates to two FDRs, held by the father of the petitioner, which had been issued by UCO Bank, Nizamuddin (West) Branch, New Delhi.

8. During the course of trial, the concerned official from UCO Bank had appeared before learned Succession Court and made reference to the relevants details of such bank account as well as the abovesaid two FDRs. Para 8 of such judgment reads as under:-

> *"8. During his testimony, RW -7 Sh. Deepak Kushwaha, Senior Manager, UCO Bank, 16, Church Road, Bhogal, Nizamuddin West Branch, New Delhi-110013, produced the details pertaining to the bank account no.02490100009268 in the name of Jalil Ahmed and deposed that the current balance of the aforesaid account was Rs.71,494.86/- (Rs. Seventy One Thousand Four Hundred & Ninety Four and Eighty Six paisa) approximately. RW-7 proved his report as Ex.RW7/A.*
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> *Further, RW-7 produced record of FDR no.932480 dated 06.08.2002 amounting to Rs.50,000/- issued by UCO Bank, Nizamuddin West Branch, New Delhi and proved the same as Ex.RW- 7/1 (OSR). Further, RW-7 produced FDR no.930742 dated 11.07.2001 amounting to Rs.75,000/- issued by UCO Bank, Nizamuddin West Branch and proved the same as Ex.RW-7/2 (OSR). Further, deposed that as record of the aforesaid FDRs were not available with the Branch, he sent an e-mail to head office. RW-7 proved the said e-mail and letter dated 24.12.2022 as Ex.RW-7/3."*

9. After taking note of the statements made before it, learned Succession Court ordered issuance of *Succession Certificate* in favour of

petitioner Mr. Sarfraz Ahmed for the debt and securities of his late father, which also included the above two FDRs in the name of his father.

10. Learned Succession Court also clarified that the *Succession Certificate* would be considered only as an entitlement of petitioner to receive the amount with interest.

11. The grievance of the petitioner is that despite sending repeated communications to UCO Bank, and also despite there being specific directions contained in the *Succession Certificate* the abovesaid amount has still not been released to petitioner.

12. It is also submitted that when the notice was of the present petition issued, respondent Bank rather filed a reply taking an unusual stand therein. It was claimed in the reply that since the FDRs were of the year 2001-02, the Bank could not find any record pertaining to those FDRs and also apprehended that there was every likelihood that the amount under said FDRs might have already been released on the date of maturity.

13. The abovesaid reply does not seem to be in synchronization with the statement made by Senior Manager of UCO Bank during the proceedings of the abovesaid succession case.

14. During course of the arguments, learned Senior counsel for the petitioner showed two FDRs in original and reiterated that as per specific instructions, the amount under said two FDRs continues to be with the Bank only and the same never encashed at any point of time.

15. Learned Senior Counsel for the petitioner submits that there were two other Banks involved in the abovesaid succession case in similar manner and both the abovesaid Banks have already done the needful. He also submits that with respect to the amount lying in the savings account, UCO Bank though remitted the same but, for reasons best known to them,

nothing has been done with respect to the abovesaid two FDRs.

16. Learned Counsel for the petitioner has placed reliance upon two judgements of this Court namely *State Bank of India v. Vijay Lakshmi Thakral: 2011 SCC OnLine Del 1339* and *Sushila Devi vs. State and Ors.: 2017 SCC OnLine Del 10925* and contends that since execution does not lie on the basis of any such *Succession Certificate*, the petitioner is left with no option but to file present petition.

17. Keeping in mind the overall facts and circumstances of the case, the present writ petition is disposed of with direction to respondent Bank to take requisite steps in terms of the abovesaid *Succession Certificate* granted by the Court of learned ACJ /CCJ/ARC, South East, Saket Court, New Delhi.

18. Petitioner would be permitted to meet the Branch Head of Nizamuddin (West) along with the original FDRs. He would also satisfy the Branch Manager about the genuineness of FDRs and after according its due satisfaction, the Bank shall process the request without any further delay, preferably, within a period of three weeks.

19. The abovesaid order is being passed keeping in mind the peculiar facts presented before the Court and also the fact that petitioner is a tailor, who is in dire need of money for the purposes of bearing the educational fee and other expenses of his son and, therefore, such order shall not be taken as a precedent.

20. The petition stands disposed of.

(MANOJ JAIN)
JUDGE

FEBRUARY 24, 2025
st/pb