IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120 **RSA-3459-2023 (O&M)**
Date of decision: 07.04.2026

Badal Singh **...Appellant(s)**

Vs.

State Bank of Patiala now State Bank of India **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vishal Garg, Advocate for the appellant.

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NIDHI GUPTA, J.

The plaintiff is in second appeal against the concurrent judgments and decrees of the ld. District Courts, whereby suit filed by the appellant for mandatory injunction, has been dismissed by both the District Courts.

2. Brief facts of the case are that the plaintiff/appellant had filed the present suit seeking decree of *"Mandatory Injunction directing the defendant Bank to make entire payment of F.D No. 802267 Rs. 2,12,000/- issued on dt. 20.04.20210, F.D. No. 718719 Rs. 8,50,000/-issued on dt. 16.01.2012, F.D No. 839993 Rs. 56,500/- issued on dt. 13.06.2015, and entire amount in saving account number 5513112371-9 alongwith interest from the date till the date of actual realization to the plaintiff."*

3. It is *inter alia* submitted by learned counsel for the appellant that Sher Singh, grandfather of the plaintiff has expired on 22.04.2013. During his lifetime, Sher Singh had maintained a Bank Account No.

55131123719 and also deposited money in the shape of FDRs with the defendant-Bank. Sher Singh had appointed the plaintiff as nominee in the above said saving account vide application No. 754 dated 31.05.1996. Plaintiff had approached the Bank to receive the amount deposited in the saving account and in the FDRs in the name of Sher Singh being his nominee. However, the defendant has failed to deliver the said FDRs and amount to the plaintiff and also refused to accede to the genuine request of the plaintiff. Accordingly, present suit was filed on 09.04.2018.

4. Ld. Counsel submits that however, the learned courts below have failed to appreciate the above facts and have non-suited the appellant on spurious grounds. It is accordingly prayed that the present appeal be allowed and the impugned judgments and decrease be set aside.

5. No other argument is raised on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellant.

6. Upon appraisal of the pleadings and the evidence led by the parties, the learned Additional Civil Judge (Senior Division), Budhlada had dismissed the suit of the plaintiff vide judgment and decree dated 03.08.2021 in the following manner:-

> *"17. The onus to discharge the burden of these issue was upon the defendant Bank. In view of my detailed findings returned on issue no. 1, which had already covered the aspects of these issues, I find that the suit of the plaintiff is not maintainable and the plaintiff has not approached court*

with clean hands and he is estopped by his own act and conduct from filing the present suit. Hence, these issues are decided in favour of the defendant Bank and against the plaintiff."

7. The Civil Appeal filed by the plaintiff was dismissed by the learned District Judge, Mansa vide judgment and decree dated 07.12.2022. Hence, the present second appeals by the plaintiff.

8. Perusal of the record of the case shows that concurrent findings of fact have been returned by both the District Courts to the effect that saving Account No. belonging to the deceased Sher Singh had been discontinued during his lifetime. Thus, with the closure of the said account, plaintiff's role as nominee has also come to an end. Furthermore, just because plaintiff was nominee in one account of deceased Sher Singh, would not automatically imply or entail that plaintiff is nominee in all the remaining accounts of Sher Singh. Needless to say, no rules or regulations, banking procedure, notification or any such departmental circular issued by RBI to this effect exists; whereby Banks are directed to automatically presume that a person who is nominee in one account, shall be nominee in all other accounts.

9. Furthermore, PW1 Divyadeep Arora, Associate, State Bank of India has admitted in her cross-examination that there are separate nominees in separate accounts of Sher Singh; and the account in which plaintiff is shown as nominee, was discontinued by Sher Singh during his lifetime; and amount was disbursed to Sher Singh.

10. As regards the FDRs in question, Sher Singh had not nominated any person as his nominee.

11. Furthermore, it is admitted fact on record that estate of Sher Singh was inherited by his 6 children being his 4 sons Balbir Singh, Ajit Singh, Teja Singh, Amrik Singh, and his 2 daughters Charan Kaur and Guddi Kaur and his wife Jangir Kaur. It is also admitted that all of them were alive at the time of death of Sher Singh except Balbir Singh. However, none of the class-I heirs of the deceased Sher Singh have been impleaded as parties to the present suit. Suit is therefore, barred for non-joinder of necessary parties. Needless to say, they have right in the inheritance of Sher Singh.

12. Furthermore, averments made in the plaint are vague and remain unsubstantiated. Plaintiff had asserted that he had visited the Bank many times however, no dates, months or years are mentioned as to when the plaintiff allegedly visited the Bank. Even no refusal on the part of the Bank has been mentioned in the plaint, let alone placed on record. Even no written requests are stated to have been made on behalf of the plaintiff to the Bank. No online claim form or its copy has been brought on record.

13. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.

14. In view of the discussion above, no ground is made out to interfere in the impugned judgments and decrees of the learned District Courts. The present Regular Second Appeal is hereby **dismissed.**

15. Pending applications, if any, stand disposed of.

07.04.2026 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No