(2004) 12 NCDRC CK 0072

In the National Consumer Disputes Redressal Commission

DENA BANK — APPELLANT

Vs

DUSHYANT KUMAR NAMDEO — RESPONDENT

Date of Decision : 02-12-2004

Acts Referred:

Citation : 2005 3 CPJ 246

Hon'ble Judges : V.K.Agrawal , Veena Misra , R.S.Awasthis J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal directed against by order passed in Complaint No. 5/2000 by the District Consumer Grievances Redressal Forum; Durg (hereinafter referred to as ''the District Forum'' directing the appellant to pay Rs. 17,850/- to the complainant/respondent as per order dated 27.12.2003.

2. THE facts not in dispute are that one Shyamlal was having Account No. 246 with the Gunderdehi Branch of the appellant and the complainant/respondent, nephew of the said account holder Shyamlal, was a nominee of the said amount. On the death of the account holder Shyamlal on 26.2.2000 the complainant approached the appellant to obtain the amount in the said account as nominee. But he was not permitted to withdraw the money at deceased account holder Shyamlal''s credit. It is averred by the complainant that he was asked to produce a succession certificate from a Competent Court. Four letters on various dates between 23.2.2000 and 11.5.2004 were also written to the appellants but he could not obtain the said amount from the respondents but was asked to produce succession certificate. Under the circumstances the complainant had to obtain a succession certificate from the Civil Court after spending Rs. 19,850/- in Court fee, etc. Copies of all the letters duly acknowledged and affidavit are submitted in support. The O.P./appellant has in the written reply averred that the account in question was a pension account and not being a blood relation the complainant was not entitled to the amount lying with the said account. It is also averred that the complainant could have obtained a decree to the effect that no succession certificate is required because of nomination. It is also stated that the amount

has been paid to the complainant on 18.8.2000 on production of succession certificate.

The only question to be decided is whether the Bank was deficient in withholding payment despite valid nomination and insisting on a succession certificate. Copy of circular dated 30.10.2000 by Indian Banks Association, issued in compliance of the Reserve Bank of India Directive No. BC/148.09.07.007/99-2000 dated 14.3.2000 communicating ''complete waiver of'' the requirement of succession certificate is also on record.

3. DURING the course of the arguments the learned Counsel for the appellants argued that the appellants never asked for any succession certificate and the appellant has since paid the money there is no deficiency on its part. Case of III (1997) CPJ 237, Rameshwara v. Chief Manager State Bank of Patiala, Karnataka State Consumer Disputes Redressal Commission, Bangalore, was also cited in support. The said citation refers to a case in which the amount of deposit was sought to be withdrawn on the basis of a Will. Thus the said ruling does not render any support to the appellants. Respondents prayed for affirming the impugned order and prayed for heavy cost for the harassment to the complainant. In view of the above facts and on the basis of the material on our record, in our opinion the appellants were grossly deficient in service. The audacious manner in which the efforts to defended the stand taken by the appellant Bank in violation of the RBI directives is deplorable in these days when public institutions are heading from the motto of customer satisfaction to customer pleasure.

4. THE impugned order does not suffer from any infirmity and is affirmed. THE appellants shall bear their own cost and also pay Rs. 3,000/- as cost of this appeal to the respondent within one month failing which interest @ 9% shall be payable. Appeal dismissed.

