

(2020) 01 PAT CK 0378

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11644 Of 2018

Narayan Paswan

APPELLANT

Vs

General Manager, Union Bank Of India And Ors

RESPONDENT

Date of Decision : 28-01-2020

Acts Referred:

Citation : (2020) 01 PAT CK 0378

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Mrityunjay Kumar, Kumar Alok

Final Decision : Disposed Of

Judgement

Heard the learned counsel for the parties.

This case appears to have been erroneously entertained under this roster, assuming it to be a dispute between the Bank and its customer.

The fact of the matter is that there is a dispute between the petitioner and respondent no. 4 who is the estranged wife of the petitioner.

From the pleadings made in the writ petition, successive orders passed by this Court and the submission advanced on behalf of the parties, it appears that there is a joint account of the petitioner and the respondent no. 4 with the Union Bank of India, Frazer Road Branch, Patna and the dispute actually hovers around the petitioner trying to withdraw money from such account so as to dry it up, leaving respondent no. 4 high and dry and the respondent no. 4 not co-operating the petitioner in withdrawing the money for other necessary purposes viz medical expenses, expenses towards the marriage of the children or for medication of old parents, because the account is to be operated jointly by the husband and wife.

Notwithstanding the fact that the petitioner is a customer of the respondent / Union Bank, the issue here does not pertain to trade and commerce.

This Court has perceived that on several dates, orders have been passed permitting the petitioner to withdraw certain amount of money from the Bank but with the directive that a minimum reserve should be maintained so that the maintenance amount to the wife and three dependent daughters is not disturbed.

But, this Court is of the view that no order need now be passed by this Bench with respect to the manner in which the Bank account is allowed to be operated. However, in deference of the earlier orders, this Court provides that unless a fresh order from the family court is obtained by the petitioner, the arrangement provided by the Bench shall be continued.

This Court further directs that in case the petitioner approaches the concerned family court, which has directed for payment of maintenance to the respondent no. 4 and her three daughters for any modification in such order or for that matter any clarification with respect to the operation of the account, within a period of three weeks from today, annexing a copy of this order, the concerned family court shall apply itself to the facts of the case and shall pass necessary orders and would also ensure that respondent no. 4 and the three dependent daughters are not denied of their maintenance amount, whereas the petitioner also is permitted to withdraw from the account so that he can defray other expenses.

The aforesaid order has been passed keeping in mind the submission of the parties that the petitioner has since retired and the marriage still subsists with the responsibility of maintenance of three daughters.

As and when such an application shall be filed, necessary order / clarification shall be made by the concerned family court which would be binding to the concerned Bank. The family court shall also, before passing the order, would be under an obligation to hear the Bank as some orders have been passed in the present writ petition taking it to be a trade and commerce issue. The necessary order in that regard shall be passed by the family court within a period of four weeks of the receipt of such representation.

Till such time, as has been directed in the earlier part of the order, the status quo with respect to the operation of the account shall be maintained.

With the aforesaid observation / direction, this petition stands disposed off.