(2012) 04 PAT CK 0015

In the Patna High Court

Case No : CWJC No. 22601 of 2011

Sachani Devi APPELLANT

Vs

The State of Bihar and Others RESPONDENT

Date of Decision : 18-04-2012

Acts Referred:

Citation : (2012) 4 PLJR 561

Hon'ble Judges : Ramesh Kr. Datta, J

Bench : Single Bench

Advocate : Ramadhar Shekhar, for the Appellant; Sanjeet Kumar Singh for the State and Mr. Kumar Priya Ranjan for the Punjab National Bank, for the Respondent

Judgement

Ramesh Kr. Datta, J.—Heard learned counsel for the petitioner and learned counsel for the respondent-Punjab National Bank. The petitioner has approached this Court for a direction upon the respondent-Bank to make payment of deposit lying in Saving Bank Account No. 3543 alongwith interest and also to release the articles kept in Locker No. 2/2006 to the petitioner and respondent nos. 5 to 11.

2. The petitioner is the widow of deceased Moti Lal Ram and respondent nos. 5 to 11 are the three daughters and four sons respectively.

3. The petitioner''s husband late Moti Lal Ram was the holder of the aforesaid Saving Bank Account and was the licensee of Locker No. 2/2006 of the said Bank in which certain articles are stated to have been kept. The said Moti Lal Ram died on 30.5.2008 and, thereafter, the petitioner and the respondents being the only legal heirs and entitled to the aforesaid amounts lying in the said Saving Bank Account and the articles kept in the Locker, approached the Bank by filing an affidavit application for payment of the amount and handing over the articles. Heirship certificate issued by the Circle Officer has also been enclosed as also the power of attorney on behalf of respondent nos. 5 to 11 in favour of the petitioner for releasing the amounts and articles to her. All this was done on 18.8.2008 but it is the claim of the petitioner that till today neither any amount has been paid

nor the articles kept in the locker have been handed over to them.

4. Learned counsel for the petitioner relies upon a Law Division Circular No. 2/ Law/07 dated 19.5.2007 issued by the Head Office of the Bank for Settlement of Deceased Claims Cases (Deposit Account/Locker Account) Guidelines. Clause 7 of the said Guidelines is in the following terms:--

7. Settlement of claim case, where value of claim exceeds Rs. 25,000/-. --In claim cases involving amount exceeding Rs. 25,000/- confidential enquiry be made by the incumbent about the legal heirs of the deceased as disclosed in the claim form. Keeping in view the outcome of the confidential inquiry, the claim may be settled and paid to the legal heirs of the deceased against Indemnity Bond with surety to the satisfaction of the Incumbent Incharge/Sanctioning Authority (Specimen of ''Indemnity Bond with Surety'' in case of Deposit Account and in case of Locker Account are given at APPENDIXES ''E'' and ''F'' respectively). Gold ornaments or other securities held against advances may also be released on adjustment of the relative advances, on the above lines. As a rule, surety worth double the amount of claim need not be insisted upon.

5. Clause 5F deals with the settlement of the case in respect of the contents of locker which is in the following terms:--

Clause 5F. Claims in respect of contents of Locker.--(i) If claim is to be settled on the title being legally established, the claimant be advised to bring ''Letter of Administration'' from the competent court.

(ii) Claim case in respect of contents of locker may be settled against execution of agreement of Indemnity/Indemnity Bond on format as per Appendixes ''D'' and ''F'' based on the value of the contents of locker and after completion of other formalities like submission of declaration on form no. PNB-46-47, death certificate etc.

6. Learned counsel for the petitioner submits that in view of the aforesaid provisions the petitioner and respondent nos. 5 to 11 are entitled to the payments and the articles in the locker for which the petitioner and the respondents are willing to comply with the requirements laid down in the Guidelines by providing Indemnity/Indemnity Bond with surety, if required.

7. With respect to the settlement of the claim for the SB A/c, learned counsel for the respondent Bank submits that so far as the payment of amount in the SB A/c is concerned, the petitioner may approach the authorities of the Bank by filing an Indemnity Bond in the prescribed form whereafter the Bank will make necessary enquiry and verification and ensure that the payment is made to the petitioner within 15 days of the filing of the same.

8. With respect to the claim for contents of the locker, it is stated that the Bank is regularly asking for a Letter of Administration.

9. This Court finds that para-ii of Clause 5F of the Guidelines for settlement of

the claim, states that the claim case in respect of contents of locker may be settled against execution of agreement of Indemnity/Indemnity Bond on format as per Appendixes ''D'' & ''F'' based on the value of the contents of locker and after completion of other formalities like submission of declaration on form no. PNB-46-47, death certificate, etc.

10. It is thus evident from the said Guidelines that a Letter of Administration is not strictly required for each and every person.

11. It is not disputed, prima facie, that the petitioner is the widow of the deceased customer of the Bank and the respondent nos. 5 to 11 are their children. The aforesaid fact is, of course, subject to verification by authorities of the Bank. In the said Guidelines itself the details of Class-I heirs in case of death of a male Hindu has been given stating that the widow and the children are Class-I heirs of the deceased and the said fact can be easily verified by the Bank after making necessary enquiry. On being satisfied about the identity of the petitioner and respondent nos. 5 to 11, the respondent-Bank can ensure that the locker is opened in the presence of the petitioner and such of the respondent nos. 5 to 11 as may be present and others giving power of attorney in favour of the petitioner in terms of the Guidelines itself and thereafter the contents of the locker can be taken out and an inventory made of its contents and handed over to the petitioner and respondent nos. 5 to 11 after completion of the formalities as required by Clause 5F of the Guidelines.

12. Let the petitioner approach the authorities of the Bank within four weeks from today with the necessary documents so that the authorities of the Bank may take further steps in the matter expeditiously in accordance with the Guidelines. The writ application is, accordingly, disposed of with the aforesaid observations and directions.