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

+ **TEST.CAS. 21/2016**

SH BHARAT BHUSHAN & ANR

..... Petitioner

Represented by: Mr. V.K. Srivastava, Mr.
Praveen Pahiya, Advs.

versus

STATE & ORS

..... Respondent

Represented by: Mr. Rahul Sharma, Mr. C.K.
Bhatta, Adv. for R-1.
Mr. Sanjoy Ghosh, Ms. Urvi
Mohan, Adv. for R-3.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

14.07.2017

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IA 13060/2016 (u/S. 30(B) r/w O. XXXIX R. 7 r/w S.151 CPC by R-3)

By this application the respondent No.3/ Ms. Savita Sharma seeks direction to the branches of the two bank wherein the deceased Smt. Harish Sharma, W/o late K.M. Sharma maintained her accounts.

Vide order dated 12th January, 2017 the learned Joint Registrar issued notices to the managers of the two banks i.e. State Bank of India, Model Town, Part-I and Union Bank of India, Model Town, Part-II. Despite service, none appeared on behalf of State Bank of India, Model Town, Part-I and service report qua Union Bank of India, Model Town, Part-II was awaited.

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Be that as it may, no personal presence of the two bank managers is required before this Court for adjudication of the present application for the reason the claim of respondent No.3 is that the deceased Smt. Harish Sharma was admitted in Pentamed Hospital at Derawala Nagar on 28th January, 2015 and remained admitted there till her death on 18th January, 2016. The purported Will sought to be probated by the present petition according to the petitioner was executed by late Smt. Harish Sharma on 15th October, 2015. The defence of respondent No.3 is that during the period of her hospitalization from 28th January, 2015 to 18th January, 2016 till her death, the deceased was not in a position to append signatures and thus bank managers or the authorized representatives of the two bank branches used to visit the hospital for taking her mark/ thumb impression on the cheques.

It is therefore in the interest of justice to direct the Manager, State Bank of India, Model Town, Part-I and Manager, Union Bank of India, Model Town, Part-II, Delhi to preserve the original cheques/ withdrawal slips or any other proceedings drawn in relation to the bank accounts maintained by late Smt. Harish Sharma, W/o of late Shri K.M. Sharma in the two branches of the banks. Though respondent No.3 has given the account number of the State Bank of India, Model Town, Part-I branch which is Saving Account No. 10659087092, however she is not in possession of the Account number relating to Union Bank of India, Model Town, Part-II. The Manager, Union Bank of India Model Town, Part-II Branch would ascertain the account number of the deceased and preserve the record.

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Copy of this order be communicated to the two Managers by respondent No.3 by dasti process.

Application is disposed of.

MUKTA GUPTA, J.

JULY 14, 2017
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