

Court No. - 21

Case :- WRIT - C No. - 10861 of 2018

Petitioner :- Ajay Kumar Kushwaha

Respondent :- The Director R.B.I. At Mumbai And 2 Others

Counsel for Petitioner :- Vinod Kumar,Lal Ji Maurya

Counsel for Respondent :- Parshuram Chaubey,Parshuram Chaubey

Hon'ble Krishna Murari,J.

Hon'ble Ajay Bhanot,J.

Learned counsel for the petitioner contends that in view of Section 45 ZA of the Banking Regulation Act, 1949, the rejection of the claim of the petitioner to receive the money as a nominee after the death of the account holder as grand-father, is illegal and without jurisdiction.

However, learned counsel for the respondent-Bank submits that other successors of the deceased-account holder have already filed a Succession Suit No. 667 of 2017, which is pending before the Civil Judge (Sr.Div.), Allahabad.

In view of the provisions contained under Section 45 ZA the issue requires scrutiny as to whether the right of nominee to receive the deposit in the bank after the death of the account holder can be put in jeopardy by merely filing a suit.

Let, a counter affidavit be filed within three weeks by the respondent. The petitioner will have two weeks for filing the rejoinder affidavit.

Petition may be listed after expiry of the aforesaid period.

Considering facts, until further order of this Court, the respondent-Bank shall keep the disputed money in interest bearing account and shall not be disbursed to any of the party without the leave of the Court.

Order Date :- 28.3.2018

Ravi Prakash