

**IN THE HIGH COURT AT CALCUTTA**

CIVIL APPELLATE JURISDICTION

[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE DEBANGSU BASAK**AND****THE HON'BLE JUSTICE AJAY KUMAR GUPTA****MAT/16/2026**

SMT MAJDA BEGUM ... APPELLANT

VS.

THE BRANCH MANAGEER AND
ANOTHER ... RESPONDENTS

For the appellant : Ms. A. S. Zinu

For the respondent No.2 : Mr. U. Partha Sarthi

Heard on : February 25, 2026

Delivered on : February 25, 2026

DEBANGSU BASAK, J.

1. Appeal is directed against an order dated February 02, 2026 passed in WPA/389/2025.

2. Appeal is at the behest of the writ petitioner.

3. Learned advocate appearing for the appellant submits that, appellant is the wife of the deceased husband. The deceased husband held a bank account with Punjab National Bank. The writ petitioner obtained a succession certificate in respect of the estate



of the deceased. The private respondent is the brother of the deceased. Private respondent did not succeed to the estate of the deceased.

4. Learned advocate appearing for the appellant submits that, learned Trial Judge, erred in not directing Punjab National Bank to make over the amount lying in the bank account of the deceased to the appellant.

5. Learned advocate appearing for the private respondent submits that, private respondent is the nominee in the bank account of the deceased. In terms of Section 45ZA of the Banking Regulations Act, 1949, Bank is obliged to make over the proceeds of the bank account to the nominee notwithstanding anything contrary contained in any other law for the time being in force. He submits that, the deceased prior to his death made an oral Hiba bequeathing the amount lying in the bank account of the deceased. In terms of such oral Hiba, the private respondent is entitled to the amount lying in the bank account.

6. In response to a query of the Court as to whether, the private respondent filed any application challenging the succession certificate granted, the answer is in the negative, that is to say that, no challenge was lodged despite knowledge of the same.



7. The deceased expired on September 11, 2021. Succession certificate was granted on July 17, 2025. Even till date, no proceedings were initiated by the private respondent assailing grant of such succession certificate.

8. Learned Trial Judge, allowed the bank to make over the money to the private respondent and left the private parties to deal with their private disputes before the appropriate forum.

9. With the deepest of respect, we do not find any dispute as to the ownership of the proceeds of the bank account of the deceased. The competent court declared and granted succession certificate in respect of the estate of the deceased in favour of the appellant. Contrary claim of the private respondent is without any substance.

10. By virtue of such succession certificate, the appellant is entitled to proceeds of the bank account lying in the name of the deceased.

11. A nominee merely holds the proceeds of the bank account as a trustee of the ultimate beneficiary. In this case, the ultimate beneficiary stands identified by virtue of the succession certificate issued in favour of the appellant.

12. Section 45ZA of the Banking Regulation Act, 1949 protects a Bank if such Bank makes over the proceeds of a Bank Account to the nominee named therein. It does not over ride the succession



prescribed by law, in any manner or form. A nominee of a Bank Account cannot claim ownership of the proceeds if such nominee is otherwise not entitled to such ownership. Section 45ZA of the Act of 1949 does not create any ownership in favour of the nominee.

13. Allowing the directions as given by the learned Trial Judge will not sub-serve the interest of justice. There is every possibility of the private respondent misappropriating the proceeds if the same is made over to him.

14. In such circumstances, Punjab National Bank will make over the proceeds of the bank account lying in the name of the deceased to the appellant forthwith. In the event of default of Punjab National Bank is doing so within seven days from date of communication of this order, Punjab National Bank will pay interest at the rate of 10% per annum to the appellant.

15. MAT/16/2026 is disposed of.

(DEBANGSU BASAK, J.)

16. I agree.

(AJAY KUMAR GUPTA, J.)