

**IN THE COURT OF MS. SHEFALI BARNALA TANDON : LD.  
ADMINISTRATIVE-cum-ADDL. RENT CONTROLLER (CENTRAL): TIS  
HAZARI COURTS : DELHI.**

**Smt. Poonam Bari & Ors. Vs. The State (NCT of Delhi) & Ors.**

**(Hearing through Videoconferencing on Cisco Webex on account of  
COVID-19, as per the guidelines)**

**Fresh succession petition alongwith an urgent application Under order  
XXXIX Rule 1 & 2 r/w section 151 CPC has been received by way of  
assignment. It be checked and registered as per rules.**

21.07.2020

At 12:30 p.m. (As already fixed)

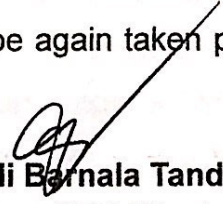
**Present : Ld. Counsel Sh. Siddharth Chaturvedi, Ld. Counsel for the  
petitioner.**

**Sh. Mayank Aggarwal, Ld. Trainee Judicial Officer.**

**Sh. Krishna Kumar Sharma, Sr. P.A. in the Court.**

**Sh. Vikas Kumar, Reader of the Court.**

During the proceedings, despite several efforts the voice of Ld. Counsel for the petitioner is not audible due to low network at his end, since he seems to be travelling. On the directions of the Court, the Reader has called on his mobile number and informed that the matter would be again taken put up at 2:15 p.m., since urgent application has been filed.

  
**(Shefali Barnala Tandon)  
ACJ-cum-ARC (Central)  
THC/ Delhi.  
21.07.2020.**

**Smt. Poonam Bari & Ors. Vs. The State (NCT of Delhi) & Ors**

**At 2:15 p.m. (through VC)**

**Present : Ld. Counsel Sh. Siddharth Chaturvedi, Ld. Counsel for the petitioner.**

**Sh. Mayank Aggarwal, Ld. Trainee Judicial Officer.**

**Sh. Krishna Kumar Sharma, Sr. P.A. in the Court.**

**Sh. Vikas Kumar, Reader of the Court.**

1. Arguments heard on the application Under order 39 Rule 1 & 2 r/w section 151 CPC for ex-parte ad-interim injunction thereby restraining the respondent No. 2 from disbursing funds from saving/salary account no. 120010100159562 and also the maturity amount of accidental insurance policy of the deceased in favour of the respondent no. 3 Smt. Santara Devi, who is stated to be the mother of the deceased, during the pendency of the present petition.

2. It has been argued that the petitioners have filed the present petition U/s. 372 of the Indian Succession Act qua the debts and securities of deceased/Late Sh. Ratan Lal, who was husband of petitioner no. 1 and father of petitioners no. 2 to 4, while respondent No. 3 Smt. Santara Devi is the mother of the deceased. Respondent No. 3 is nominee in the salary account/saving account of the deceased since opening of the account, which was opened before his marriage with the petitioner. The deceased was working with Delhi Police and has left behind huge amount of Rs 82 lakhs approx. in his salary account, which was contributed by his department. Besides this, he has insurance policy of the same Bank amounting to Rs 30 lakh (approx). The deceased Sh. Ratan Lal did not execute any Will during his life time, hence his class I legal heirs ie. petitioners are entitled to the said amount, however there is apprehension that the



Respondent no 3., who is not residing with petitioners may withdraw the entire amount from Respondent no 2., being nominee and nothing would be given to the dependents of the deceased/ petitioners under the influence of the brothers of the deceased.


3. It is also argued by the Ld. Counsel for the petitioner that since the respondent no. 3 Smt. Santara Devi is the nominee of the deceased hence, respondent no. 2 i.s. Axis Bank is ready to release the amount lying in the saving/ salary bank account of the deceased on the basis of nomination within 10 days, as time framed by the Reserve Bank of India and a letter has been issued in this regard, which is annexed as Annexure A-8 hence this urgent application. It is further argued that Rs. one crore was sanctioned by Govt. of Delhi, as deceased died in riots, which was in the ratio of 60:40 between petitioners and respondent no. 3 and accordingly Rs.40 lakhs has already been disbursed to the respondent no. 3.

4. The record has been perused. Law is well settled that a nominee is merely a trustee and a receiving hand who receives the securities on behalf of actual successors. Merely by nomination, a person does not step into the shoes of successor. Reliance is placed upon the judgment in cases titled as **Vishin N Khanchandani Vs. Vidhya Lachmandass Khanchandani AIR 2000 SC 2747** and **Sarbati Devi Vs. Usha Devi AIR 1984 SC 346.**

5. Considering facts and circumstances of the present matter, let notice of the present petition alongwith application be issued to the respondents no. 2 & 3 through email/other feasible electronic mode on urgent basis, after the same is provided by the Ld. Counsel, with specific direction to the Respondent no 2. Bank for not releasing/transferring any amount lying in the account no. 120010100159562 of deceased Late Sh. Ratan Lal till next date of hearing.

6. At this stage, Ld. Counsel for the petitioner submits that since respondent no. 3 Smt. Santara Devi is an old lady and residing at Rajasthan, she is not having any email-id or WhatsApp on her mobile number. At request, let notice for respondent No. 3 be given **Dasti**.

Put up the matter for filing an affidavit/report regarding service of the respondents and also for appearance of respondent No. 3 Smt. Santara Devi/ for filing of reply before the Court, on 17.08.2020.

  
(Shefali Barnala Tandon)  
ACJ-cum-ARC (Central)  
THC/ Delhi.  
21.07.2020.