

Sumeet Bhaskaran vs the Post Master

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/35241/2023

Appellant : Sumeet Bhaskaran

Respondent : The Post Master

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH AGRAHAYANA, 1945 PETITIONER: SUMEET BHASKARAN, AGED 49 YEARS S/O. LATE DR. V.R. BHASKARAN, RESIDING AT PRAKANTHI, CRA 129, OPPOSITE BHUVANESHWARI TEMPLE, CHAMPAKARA, POONITHURA POST, KOCHI- 682038. ANOOP JOSEPH ASWANI THUVVAKKADAN ZERENE LINDA MITCHEL ATHULYA K. V.C.SURESH BABU RESPONDENTS: 1 THE POST MASTER POONITHURA POST OFFICE, ERNAKULAM, PIN - 682038 2 THE SENIOR SUPERINTENDENT OF POST OFFICE DEPARTMENT OF POST, ERNAKULAM POSTAL DIVISION, KOCHI, PIN - 682011 3

THE CHIEF POST MASTER GENERAL KERALA CIRCLE,
THIRUVANANTHAPURAM, PIN - 695003 BY ADV MANU S. - DSG OF
INDIA THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that his late father had a Post Office

Savings Account, which has a balance of Rs.3,55,668/- as of now. He concedes that he has a sister, but adds that she does not require this money; and therefore, that he applied to the first respondent - Postmaster, for release of the said amount, which has now been denied. He, therefore, prays that the respondents be directed to release to him at least half the amount remaining in the account of his father without any avoidable delay, since he is entitled to it even as per law.

2. Sri.Gireesh Kumar - learned Central Government Counsel,

however, in response to the afore submissions of the petitioner, as made by his learned counsel - Sri.Anoop Joseph, submitted that the first respondent cannot take any decision without hearing the petitioner's sister and that since she is stated to be outside India, it is for the petitioner to make available her address and other

credentials. He added that if the petitioner is to do so, the competent among the respondents will hear both sides and take a final decision as to the manner in which the proceeds in the account are to be dealt with. He, however, prayed that no affirmative declarations be made in this judgment because, the requirements that the petitioner will have to satisfy in law cannot be waived in individual cases.

3. I have no doubt that the Authorities have to act as per law

and that the petitioner and his sister will have to be heard before any decision with respect to the proceeds in the account is to be taken. This must be allowed without any interdiction.

4. In the afore circumstances, I direct the first respondent -

Postmaster to hear the petitioner, as also her sister - who shall be heard either physically or online platform; and take a final decision on the claim of the former with respect to the proceeds in the Post Office Account in question.

5. For this, the petitioner will make available the postal address, email address and online meeting credentials of his sister, so that the first respondent can complete the afore exercise even online.

6. Needless to say, since this Court has not entered into the merits of the contentions of the petitioner, the question of release of half the amount to him, provided he is able to prove that there

are no other legal heirs other than his sister surviving his father, can also be considered by the first respondent on such necessary conditions, including the execution of an indemnity bond in such event. This writ petition is thus ordered.

Sd/- DEVAN RAMACHANDRAN JUDGE
APPENDIX OF WP(C) 35241/2023
PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE LEGAL HEIRSHIP CERTIFICATE DATED 01.10.2020 OF LATE DR. V.P. BHASKARAN ISSUED BY THE TAHSILDAR, KANAYANNUR TALUK OFFICE, ERNAKULAM Exhibit P2 A TRUE COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTHS AND DEATHS, KOCHI MUNICIPAL CORPORATION DATED 22.09.2020 Exhibit P3 A TRUE COPY OF THE E-MAIL DATED 02.05.2023 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT

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