

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****120****CR-2255-2025 (O&M)
Date of decision: 22.07.2025****Shakuntala Devi****...Petitioner****Vs.****State Bank of India and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Rahul Jaswal, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the plaintiff praying for setting aside the order dated 24.12.2024 (Annexure P-4) passed by the Ld. District Judge, Hoshiarpur dismissing the appeal filed by the petitioner against the order dated 10.08.2021 (Annexure-2) passed by the Ld. Civil Judge (Junior Division) Mukerian, District Hoshiarpur dismissing the application filed by the petitioner under Order 39 Rule 1 & 2 read with section 151 of C.P.C.

2. It is *inter alia* submitted by learned counsel for the petitioner that learned Courts below are in patent error in not granting interim injunction in favour of the petitioner as the petitioner has made out a prima facie case in her favour. The petitioner is the mother of the deceased and, therefore, she is entitled to half share of the service benefits which have gone into the account of respondent No.2/defendant No.2/widow of the deceased. It is submitted that learned Courts below have failed to



appreciate that the petitioner, the mother of the deceased also has right to the Service benefits receivable by her son. Moreover, petitioner has no independent source of income and she and her husband were dependent upon the deceased. It is accordingly prayed that the present Revision Petition be allowed; and the impugned orders be set aside.

3. No other argument is raised on behalf of the petitioner/plaintiff.

4. I have heard learned counsel and perused the case file in detail.

5. Brief facts of the case are that the defendant No.2 is the widow of the deceased son of the petitioner. The petitioner had filed a suit on 18.07.2020/20.07.2020 seeking permanent injunction restraining defendant No.1/respondent No.1-Bank from releasing any amount in favour of defendant no.2; and further restraining defendant No.2 from withdrawing any amount or conducting any type of transaction from her account as mentioned in the head note of the plaint. Alongwith the suit, petitioner had also filed an application under Order 39 Rule 1 and 2 read with Section 151 CPC (Annexure P-1 colly). Defendant No.1 had filed reply date 17.02.2021 (Annexure P-2) to the said application. Vide order dated 10.08.2021 (Annexure P-2), the learned Civil Judge (Junior Division), Mukerian had dismissed the said application of the petitioner. Against the order dated 10.08.2021 (Annexure P-2), the petitioner had filed an appeal, which was also dismissed with costs by learned District Judge, Hoshiarpur vide



judgment dated 24.12.2024 (Annexure P-4). Hence, present revision petition.

6. From the above facts it is clear that in real terms, the petitioner has sought a blanket injunction restraining defendant No.2 from operating her account as, prayer of the petitioner is that defendant no.2 be restrained from withdrawing any amount from her account; or conducting any transaction from her account. Needless to say, such an injunction cannot be granted as per law. If this is done, irreparable harm will be caused to defendant No.2. Given the nature of suit filed by the petitioner, the very maintainability of the suit is suspect. Accordingly, even prima facie case is not made out in favour of the petitioner. Moreover, the petitioner is seeking injunction restraining defendant No.2 from operating her own account of which she is sole holder. Thus, even balance of convenience is not in favour of the petitioner. Lastly, claim of the petitioner can be quantified and determined in monetary terms; and therefore, again no ground is made out for grant of injunction.

7. In view of the same, present Civil Revision Petition is hereby **dismissed**.

8. Pending application, if any, stands disposed of.

22.07.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No