

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7310 OF 2015
IN CP/271/2014

VISHAL PRAKASH CHAUDHARI
VERSUS
MANUKUMAR SHRIVASTAVA AND OTHERS

...
Advocate for Applicant : Mr. Shinde Ram S.
Advocate for Respondents 3 and 4: Mr. P.V. Barde
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 17th JULY, 2015

P.C. :-

1. This is an application seeking withdrawal of the amount deposited towards retiral benefits of one Mr. Prakash Mahadappa Chaudhari. The present applicant claims to be the son of deceased Prakash Mahadappa Chaudhari. According to the learned counsel, even the competent Court has granted heirship certificate in favour of the applicant. Learned counsel submits that apart from the applicant, there is no other legal heir entitle to claim the amount. Mother of the applicant is also no more and that certificate is also filed on record.
2. We have also heard Mr. Barde, the learned counsel for the non applicants.

3. Considering the fact that the applicant has produced heirship certificate and so also there is death certificate of mother of the applicant, and nobody has claimed the said amount as yet, there would be no impediment to allow the applicant to withdraw the amount of Rs.3,57,810/- (Rupees Three lacs fifty seven thousand eight hundred ten only) deposited by the Municipal Council as retiral benefits of the father of applicant viz. Prakash Mahadappa Chaudhari.

4. In the light the above, we pass the following order:-

I. The applicant is permitted to withdraw the amount of Rs.3,57,810/- (Rupees Three lacs fifty seven thousand eight hundred ten only) deposited by the Municipal Council, towards retiral benefits of his late father Prakash Mahadappa Chaudhari alongwith accrued interest, if any.

II. Civil application accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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