

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.1814 OF 2014

Smt. Nirmala Vasant Kotak

.... Petitioner

Vs.

HDFC Bank Limited & Others

.... Respondents

Mr. Sunil Rajaram More for the Petitioner.

Ms Swarna Joshi i/b Mr. Ashutosh Marathe for
Respondent No.1-Bank.

CORAM: S.C. DHARMADHIKARI &
G.S. KULKARNI, JJ.

DATE: AUGUST 10, 2015

P.C:

After hearing Mr. More for some time, we are of the opinion that the petition involves highly disputed questions of fact. It is not for the Department or this Court to probe as to how the monies were brought in the joint account of the petitioner and her son. It is conceded that the name of the son of the petitioner appears jointly with that of the petitioner. Therefore, the issue that the son has no right to the monies in the bank

account or had any limited right only to operate and maintain the bank account for and on behalf of the petitioner, can be resolved by a competent Civil Court and the petitioner has therefore complete remedy to seek redress against this so called injustice. This Court in its limited jurisdiction cannot resolve such disputed questions. The petition is, therefore, dismissed. The order passed, however, at the ad-interim stage on 8-5-2014 shall continue for a period of eight weeks and beyond which no application for extension or continuation of the same will be granted.

(G.S. KULKARNI, J.)

(S.C. DHARMADHIKARI, J.)