

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 231 OF 2016
IN
TESTAMENTARY PETITION (L) NO. 1931 OF 2016**

Wahida Manjothi	...Petitioner
<i>Versus</i>	
Royal Sundaram Alliance Insurance Co. Ltd.	...Respondents

Mr. J. Udaipuri *for the Petitioner.*
None *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 24th October 2016

PC:-

1. The Petitioner is personally present in Court.

2. I will grant the Notice of Motion in its entirety. I believe that justice, equity and good conscious demand this. The Petitioner is a widow. Her husband died in an accident. She has filed this Petition for Succession Certificate in order to claim personal accident insurance in an amount of Rs.26,25,000/-. The Petition requires Court Fees of Rs. 75,000/-. This the Petitioner does not have. She does not have any earning member in her family. Her daughter is a minor and a student in school. Her son is also a student.

3. The prayer seeks that the insurance claim of Rs. 26.25 lakhs be called for, the Court Fees be paid or deducted out of this, and the balance be invested. I can only grant this prayer in part. I do not see how I can order the deposit of that amount. That will have to be done in a properly brought Motor Accident Claim or an Appeal from an order of the Motor Accident Claims Tribunal. What I can, however, do is to direct that the registry will allow the Petitioner to proceed with the Petition upon her giving an undertaking that as and when she receives the claim amount, an amount of Rs.75,000/- will be first paid as Court Fees towards this Petition.

4. With these directions, the Notice of Motion is disposed of. There will be no order as to costs. The Registry to proceed accordingly.

5. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)