

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

APPEAL FROM ORDER NO. 703 OF 2016

Sulekha Maruti Mirjankar & Ors. ...Appellants

Versus

P. Ramani (Falsely claiming as Suman
Maruti Mirjankar) & Ors. ...Respondents

**WITH
CIVIL APPLICATION NO. 887 OF 2016
IN
APPEAL FROM ORDER NO. 703 OF 2016**

Sulekha Maruti Mirjankar ...Applicant

Versus

Dena Bank & Ors. ...Respondents

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Mr.C.P.Deogirikar for the Appellants/ Applicant.
Mr.G.N.Salunkhe i/b. Mr.Umesh Kurund for Respondent No.1.
Mr.A.R.Bamne i/b. M/s. A.R.Bamne & Co. for Respondent No.2.
Mr. Gaurav U. Parkar i/b. Mr.Rohan Sonawane for Respondent No.
6.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 08, 2017**

P.C.:

1. Admit. By consent of the parties, the Appeal is heard finally
and decided at the stage of admission.

2. The learned counsel submitted that the Advocate Mr. Rohan Sonawane appearing for respondent no. 6 is not available today.

3. This Appeal from Order is directed against the order dated 30th September, 2015 passed by the learned Ad-hoc Judge, City Civil Court, Bombay thereby partly allowing Notice of Motion No. 2355 of 2010.

4. Learned counsel for the appellants informs that Maruti Mirjankar had expired on 21st October, 2004 leaving behind the joint bank accounts with defendant no. 1/respondent no.1 i.e. P. Ramani or Suman Maruti Mirjankar. By the order of this Court dated 7th October, 2006, defendant no.1/respondent no.1 was restrained from withdrawing money from the accounts, which are in joint name of the deceased Maruti Mirjankar and defendant no.1/respondent no.1 until further orders. Learned counsel submits that respondent no. 1/defendant no.1 has withdrawn money from the bank accounts and hence, prayed that the Banks i.e. respondent nos. 2 to 6 be directed to furnish the statements of accounts of the joint bank accounts of the deceased Maruti Mirjankar and P. Ramani or Suman Mirjankar and single account of the deceased Maruti Mirjankar and P.Ramani

or Suman Mirjankar individually in respect of all types of accounts from 21st October, 2004 till today.

5. Learned counsel for respondent no.1/ Dena Bank in Civil Application No.887 of 2016 submits that respondent no.1 has already furnished all details of the bank accounts in the trial Court.

6. Learned counsel for the appellants further submits that applicant no.1 i.e. Sulekha Mirjankar has filed Civil Application No. 887 of 2016 praying that pending the hearing and final disposal of the Appeal from Order, respondent nos. 2 and 3 be directed to pay the family pension and arrears of family pension to the applicant since the death of late Maruti Mirjankar. He further submits that the deceased Maruti Mirjankar was the employee of respondent nos.2 and 3 i.e. Dena Bank and, therefore, they be directed to pay the family pension and arrears of family pension to the wife Sulekha Maruti Mirjankar since the death of late Maruti Mirjankar.

7. Learned counsel for respondent no.1 opposes this Civil Application. He submits that the deceased Maruti Mirjankar was married to respondent no.1/defendant no.1 and thus, she is legally

wedded wife of Maruti and she has not committed any breach of the order. She has rightful claim in the family pension.

8. Learned counsel for respondent no. 2 i.e. Dena Bank points out that a letter dated 31st January, 2007 given by the Chief Manager, Dena Bank to the Senior Inspector of Malbar Hill Police Station, Mumbai, wherein it is informed that Dena Bank could not give family pension to the wife of the deceased, as the issue of entitlement is sub-judice and Suit No. 301 of 2005 between the appellants and respondent no.1 is pending.

9. In view of these submissions, I find it appropriate to pass the following order:

- (i) By way of interim arrangement, respondent no.2 Dena Bank shall deposit the arrears of the family pension along with interest accrued thereon, which was payable to the family members/ legal heirs of the deceased Maruti Mirjankar in the City Civil Court, Gr. Bombay in Suit No. 5816 of 2005 (High Court Suit No. 301 of 2005) within a period of six weeks from today.

(ii) The Registrar, City Civil Court, Gr. Bombay shall invest the said amount in the fixed deposit in any nationalized bank.

(iii) The statements of accounts of all the Banks along with the statement of pension are to be submitted in the City Civil Court, Gr. Bombay on or before 19th January, 2018.

(iv) Parties to appear before the trial Court.

(v) The trial Court shall try to endeavour to decide the matter on or before 30th September, 2018.

10. With this, Appeal from Order is disposed of. Civil Application is also accordingly disposed of.

(MRIDULA BHATKAR, J.)