

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION**

**CONTEMPT PETITION NO.2 OF 2017
IN
TESTAMENTARY PETITION NO.57 OF 2015
AND
JUDGE'S ORDER NO.94 OF 2016
AND
JUDGE'S ORDER NO.95 OF 2015**

Poonam Tekchand Verma ...Petitioner
vs
Atomic Energy Education Society And 4 Ors.....Contemnors/Respondents

**AND
NOTICE OF MOTION (L) NO.46 OF 2017
IN
JUDGE'S ORDER NO.94 OF 2016
AND
JUDGE'S ORDER NO.95 OF 2015
IN
TESTAMENTARY PETITION NO.57 OF 2015**

....
Mr. K.N. Kandekar, for the Petitioner.

Mr. V.A. Gangal, a/w. A.N. Deshmukh, for Respondent No.1.

....
CORAM : S.C. GUPTE, J.

DATED: 24 NOVEMBER, 2017

P.C. :

. Heard learned Counsel for the parties.

2. This Contempt Petition is taken out by the original Petitioner alleging breach of an order passed by this Court on 26

September 2016 on a Judge's Order on the part of Respondent No.1. The Judge's Order requires Respondent Nos. 1 to 5 to deposit the service and death benefits payable to the deceased Tekchand Budhsing Verma into the Court. Mr. Gangal, learned Senior Counsel appearing for the Respondents, submits that as far as dues of general provident fund and death-cum-retirement gratuity, group savings linked insurance scheme and family relief scheme, as also leave encashment are concerned, there are three amounts payable to three different individuals. A sum of Rs.9,35,745.50 is payable to the son of the deceased, namely, Master Pankaj Tekchand Verma; whilst Rs.4,60,283/- is payable to the Petitioner Smt. Poonam Tekchand Verma. Learned Counsel submits that the amount payable to Master Pankaj has already been deposited by drawing a cheque in favour of Accounts Officer, High Court, Bombay. Learned Counsel submits that the Respondents are ready even with the amount payable to the Petitioner. The Respondents had tendered on the last occasion i.e. 16 November 2017, three cheques aggregating to Rs.4,60,283/- payable to the Petitioner in the name of Accounts Officer, High Court, Bombay. Learned Counsel submits that since there was no specific order in that behalf, the cheques were not accepted by the office. Learned Counsel submits that office be directed to accept the three cheques aggregating to Rs.4,60,283/- to be submitted by the Respondent. That leaves out the third share of the aforesaid dues payable to the mother of the deceased late Smt. Anarodevi. Learned Counsel submits that the Respondents are prepared to deposit even this amount with the Accounts Officer, High Court, Bombay.

3. As far as the arrears of amount payable towards family

pension calculated from 12 June 2013 upto 31 December 2016 is concerned, it is the case of the Respondents that two equal shares of Rs.5,26,283/- are payable to the Petitioner and the other wife of the deceased, namely, Kum. Phoolkumari @ Priyanka Verma. Since there is no dispute about the Petitioner's share, the amount may be paid directly to her. The share of Kum. Phoolkumari may be deposited in Court so as to abide by further orders that may be passed.

4. The Accounts Officer, High Court, Bombay, to accept the cheques tendered by Respondent No.1 aggregating to Rs.4,60,283/-. The Respondents to draw a cheque for Rs.8,29,007.50 in the name of Accounts Officer, High Court, Bombay, towards the amount payable to late Smt. Anarodevi, mother of the deceased. The Accounts Officer shall hold this cheque so as to abide by the orders that may be passed by the Court in the present Testamentary Petition. The Respondents shall pay Rs.5,26,283/ directly to the Petitioner and deposit the purported share of Kum. Phoolkumari of Rs..5,26,283/- into the Court by drawing a cheque in favour of Accounts Officer, High Court, Bombay. The Accounts Officer shall hold the amount so as to abide by the orders that may be passed in the present Testamentary Petition. The amount must be paid and the deposit must be made within one week from today. Place the Testamentary Petition for directions on 6 December 2017. The Petitioner may serve a copy of the Testamentary Petition along with the order passed today on Kum. Phoolkumari @ Kum. Priyanka Verma.

5. The Notice of Motion of Respondent Nos. 1 to 5 (Notice of Motion (L) No.46 OF 2017) and the Contempt Petition are disposed of in

terms of the above order.

6. The Accounts Officer to act on the authenticated copy of this order.

(S.C. GUPTE, J.)