

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO.112 OF 2016
IN
MISCELLANEOUS PETITION NO.86 OF 2010
IN
TESTAMENTARY SUIT NO.917 OF 2008

Arnold Samson	...	Applicant
In the matter between		
Arnold Samson	...	Petitioner
Vs.		
Ramesh Baldev Gwalani and others	...	Original Respondents
And		
JP Morgan Chase Bank and another	...	Respondents to N.M.

Mr.Rahul Soman a/w. Ms Soniya Putta i/b. M/s. Solomon & Co. for Petitioner.
Mr. Vikramsinh Yadav for Respondent No.2 - Bank of America.
Ms M. R. Patel for Original Respondents No.2 and 3.

CORAM : R. G. KETKAR, J.
DATE : AUGUST 31, 2017

P.C. :

Heard Mr. Soman, learned Counsel for petitioner, Mr. Yadav, learned Counsel for respondent No.2 and Ms Patel, learned Counsel for respondents No.2 and 3 at length.

2. By this Motion, applicant has prayed for the following reliefs:

- (a) that this Hon'ble Court be pleased to direct JP Morgan Chase Bank N.A. to deposit the monies standing to the credit of Account No.00000000008881607306 of the deceased Rosalind Samson with JP Morgan Chase Bank N .A. in this Hon'ble Court to the credit of Miscellaneous Petition No.86 of 2010;
- (b) that this Hon'ble Court be pleased to direct JP Morgan Chase Bank N.A. to file in this Hon'ble Court Statements of Account relating to Account No.00000000008881607306 of the deceased Rosalind Samson with JP Morgan Chase Bank N.A. for a period of three years prior to the date of demise of the deceased on 22.02.2008 and from the date of demise of

the deceased up to date;

(c) that this Hon'ble Court be pleased to direct Bank of America N.A. to deposit the monies standing to the credit of Account No.75015035 of the deceased Rosalind Samson with Bank of America N .A. in this Hon'ble Court to the credit of Miscellaneous Petition No.86 of 2010;

(d) that this Hon'ble Court be pleased to direct Bank of America N.A. to file in this Hon'ble Court Statements of Account relating to Account No. 75015035 of the deceased Rosalind Samson with Bank of America N.A. for a period of three years prior to the date of demise of the deceased on 22.02.2008 and from the date of demise of the deceased up to date;

(e) that pending the hearing and final disposal of this Notice of Motion, the respondents to the Miscellaneous Petition No.86 of 2010 and their servants and agents be restrained by an order and injunction of this Hon'ble Court from in any manner directly or indirectly dealing with Account No.00000000008881607306 of the deceased Rosalind Samson with JP Morgan Chase Bank N.A.;"

3. Ms Patel states that as far as prayer clause (c) is concerned, by order dated 11.01.2011, Division Bench has restrained the respondents from dealing with the amounts standing to the credit of the Bank account of the deceased (Savings Bank Account No.75015035) with the Bank of America N. A., Express Tower, Nariman Point, Mumbai. Mr. Soman submitted that interest is accrued on the deposits in the S.B. Account. In view thereof, I do not find prayer clause (c) can be considered in view of the order of the Division Bench protecting the interest of the parties.

4. As far as prayer clauses (a), (b) and (d) are concerned, Ms Patel has no objection for granting the said reliefs.

5. In so far as prayer clause (e) is concerned, upon taking instructions, Ms Patel states that respondents No.2 and 3 will not deal with Account No.00000000008881607306 of the deceased Rosalind

Samson with JP Morgan Chase Bank N.A. Statement made, on instructions, is recorded.

6. In view thereof, JP Morgan Chase Bank N.A. shall deposit monies standing to the credit of Account No.00000000008881607306 of the deceased Rosalind Samson with JP Morgan Chase Bank N .A. in this Court to the credit of Miscellaneous Petition No.86 of 2010 as also submit Statements of Account relating to Account No.0000000000 8881607306 of the deceased Rosalind Samson with JP Morgan Chase Bank N.A. for a period of three years prior to the date of demise of the deceased on 22.02.2008 and from the date of demise of the deceased up to date, within two weeks from today.

7. Mr. Yadav states that within two weeks from today, Statements of Account relating to Account No. 75015035 of the deceased Rosalind Samson with Bank of America N.A. for a period of three years prior to the date of demise of the deceased on 22.02.2008 and from the date of demise of the deceased up to date will be submitted to this Court. Statement made, on instructions, is recorded.

8. Notice of Motion is accordingly disposed of. List the Motion for reporting compliance on 21.09.2017. Time to complete recording of evidence of respondent No.2 is extended by 12 weeks from today. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab