

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL JURISDICTION

**JUDGES ORDER NO 177 OF 2017
IN
GUARDIAN PETITION NO. 68 OF 2010**

Sunil Muneshwar Pandey] Petitioner

And

Ambuj Gangaprasad Pandey] Applicant

.....

Mr. Rohan Savant a/w Mr. S.S. Gawde, for applicant.

.....

CORAM : R.G. KETKAR, J.

DATE : 16th AUGUST, 2017.

P.C.

Heard Mr. Sawant, learned Counsel for the applicant at length.

2. Mr. Sawant submitted that initially Guardian Petition No. 136 of 2004 was instituted by Jaiprakash N. Pandey for his appointment as guardian of Master Ambuj Gangaprasad Pandey then who was aged about 12 years and Master Toyaz Gangaprasad Pandey who then was aged about 9 years. By order dated 22nd December, 2004, Petition was made absolute in terms of prayer clauses (a) and (b). Fixed deposits lying with State Bank of India as described at Items No. 4,5,6,7 and 8 of Exhibit-D-1 were ordered to be deposited with Accounts Officer, High Court, Bombay. Accounts Officer was directed to invest the said amount in fixed deposit of any nationalized Bank initially for a period of three years and

renew the same from time to time till further orders of this Court. This Court also passed order in terms of prayer clause (e).

3. Mr. Sawant submitted that thereafter Sunil Muneshwar Pandey, paternal uncle of minor children instituted Guardian Petition No. 68 of 2010 in this Court. By order dated 17th January, 2011, Sunil Pandye was substituted as guardian of the minor children. He is brother of Jaiprakash Pandey. This Court also permitted the petitioner Mr. Sunil Pandey to withdraw the pension amount from the account standing in the name of minor children. Guardian Petition was made absolute in terms of prayer clauses (a) and (b).

4. Mr. Sawant invited my attention to the affidavit made by Ambuj Pandey dated 7th August, 2017 and in particular, para 1 thereof. In paragraph 1, date of the order is wrongly mentioned as “22.11.2004” instead of “22.12.2004”. He, therefore, seeks leave to substitute date from “22.11.2004” to “22.12.2004”. Leave to amend the affidavit is granted. Amendment is to be carried out forthwith. Re-verification is dispensed with.

5. Mr. Sawant submitted that Ambuj was born on 27th March, 1992. He has completed 18 years of age on 27th March, 2011. Toyaz has attained majority, however, application is not taken out on his behalf. By the present proceeding, Ambuj seeks permission to withdraw the amount deposited with Accounts Officer of this Court. He has invited my attention to paragraphs 4 onwards as also certificate dated 3rd May, 2017 issued by Accounts

Officer, High Court, Bombay certifying that amount of Rs. 3,27,719/- is lying in Fixed Deposit Receipt with Bank of Maharashtra, Boribunder Branch, Mumbai and fixed deposit receipt of Rs. 2172/-lying with Bank of Baroda, Fort Branch, Mumbai aggregating to Rs. 3,29,891/-. Accordingly, Judges order is signed separately.

[R.G. KETKAR, J.]