

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
JUDGE'S ORDER NO.80 OF 2017
IN
PETITION NO.53 OF 2009

Atul Anant Desai	...	Deceased
Beena Atul Desai	...	Petitioner
And		
Harsheta Atul Desai	...	Applicant

Mr. Sanjay S. Gawde for Applicant.

CORAM : R. G. KETKAR, J.
DATE : SEPTEMBER 21, 2017

P.C. :

Heard Mr. Gawde, learned Counsel for applicant.

2. Leave to amend so as to substitute the date '11th February 2010' by '9th October 2009' is granted. Amendment shall be carried out forthwith. Re-verification is dispensed with.

3. He invited my attention to the affidavit dated 22.06.2017 of Beena Atul Desai, petitioner and Harsheta Atul Desai. He submitted that as per the order dated 09.10.2009 passed in Testamentary Petition No.53 of 2008, the concerned authorities were directed to deposit amount in the name of Harsheta Anil Desai, the then minor and it was further ordered to the Accounts Officer, High Court, Bombay to invest the said amount in the name of the minor in any nationalized bank in Fixed Deposit account, initially for a period of three years and renew the same from time to time till she attains the age of majority. It was further ordered to the Accounts Officer, High Court Bombay to pay Beena Atul Desai, mother of the minor child, 6 months periodical interest accruing on the said fixed deposit for the maintenance and education of the minor child.

4. Mr. Gawde submitted that Accounts Officer issued certificate dated 24.04.2017 showing fixed deposit of Rs.37,26,544/- lying in the name of Harsheta Atul Desai. He submitted that the said amount is lying with the Accounts Office, High Court, Bombay to the credit of the applicant and the same is due and payable to the applicant alone and to no other person. He submitted that Harsheta Atul Desai was born on 21.05.1999 and has completed 18 years on 21.05.2017. He, therefore, prayed that the Accounts Officer, High Court, Bombay may be directed to pay amount of Rs.37,26,544/- [lying with - (i) Union Bank of India, Bazar Gate Street Branch of Rs.10,00,000/-, (ii) Central Bank of India, Crawford Market Branch of Rs.10,00,000/-, (iii) Bank of Maharashtra, Fort Branch of Rs.10,00,000/-), and (iv) Canara Bank, Tamarind Lane Branch of Rs.7,26,544/-] along with the accrued interest if any.

5. In view thereof as also in view of the order dated 09.10.2009, amount shall be paid over to Harsheta Atul Desai, having attained majority. Judge's order is separately signed.

(R. G. KETKAR, J.)

Minal Parab