

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**TESTAMENTARY AND INTESTATE JURISDICTION****NOTICE OF MOTION NO.245 OF 2017****IN****TESTAMENTARY PETITION NO.734 OF 2012**

Bhairvi Ravindra Merchant

...Applicant

In the matter between

Kamlesh Laxmidas Merchant

...Plaintiff

vs

Bhairvi Ravindra Merchant

....Applicant

....

Ms. Anita Irani, i/b. Kanga & Co., for the Petitioner.

Mr. Annapoorna Seshadri, i/b. Narayanan And Narayanan, for the Applicant.

....

CORAM : S.C. GUPTE, J.**DATED: 30 OCTOBER, 2017****P.C. :**

. The present Notice of Motion is taken out by the original Respondent to the Testamentary Petition. It is an admitted position that the amount of RS.8,60,965/-, being the balance amount due to the Applicant herein, has been deposited in the Court. When this deposit was sought, the Applicant, for some curious reason, did not seek liberty to withdraw the amount. The Notice of Motion of the original Petitioner was, accordingly, made absolute by permitting him to deposit the amount in Court. Liberty was, however, reserved unto the Respondent (the present Applicant) to apply for withdrawal of this amount, in case

she changed her point at any subsequent point of time. The Applicant now seeks leave to withdraw the amount. The original Petitioner has no objection.

2. Accordingly, the Notice of Motion is allowed in terms of prayer clauses (a) and (b).

3. Office to act on the authenticated copy this order.

(S.C. GUPTE, J.)