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

NOTICE OF MOTION NO.249 OF 2016
IN
TESTAMENTARY PETITION NO.1479 OF 2015

Mrs. Mandakini Madhukar Ugale ....Applicant/Petitioner

Vs.

Milind Narayan Ugale and Anr. ....Respondents

Mr. V.S. Kapse i/b. Mr. Kunal J. Rane for applicant/petitioner.
Ms. Mohammed Manisha i/b. Ms. Rita Bhatia for respondent no.1.
Mr. J.B. Navlani i/b. Adv. Kusumakar Kaushik for respondent no.2 – State Bank of India.

CORAM : K.R.SHRIRAM, J.
DATE : 5th APRIL, 2017

P.C.:

1 The petitioner is the widow of one late Madhukar Narayan Ugale, who expired on 23rd May, 2007. Respondent no.1 is the son. The deceased and the petitioner have a daughter, viz., Pratibha Vithal Sadgir who has consented to the grant of succession certificate to the petitioner.

2 The respondent no.1 has raised various issues opposing the petition. Indisputably and admittedly so, there are only three legal heirs of the deceased, who could be called Class - I legal heirs. At the most, respondent no.1 can claim 1/3rd of the estate of the deceased. The deceased had three fixed deposit accounts with State Bank of India, Santacruz (West) Branch being account nos.30143895755, 30149155339 and 30143339494. These fixed deposits had matured and were

automatically renewed since no application for return of the money has been made by the account holder.

3 The petitioner has taken out this notice of motion to be paid over 1/3rd of the principal amount plus interest to the petitioner, 1/3rd to the daughter and 1/3rd to respondent no.1. Though various objections have been raised, in my view, as admittedly, there are only three Class - I legal heirs and each one will be entitled to 1/3rd of the amount. Therefore, no prejudice will be caused by grant of the relief as sought in the notice of motion.

4 Mr. J.B. Navlani, counsel for respondent no.2 - State Bank of India tenders a statement, which is taken on record and marked 'X' for identification. Mr. Navlani further states that the principal amount plus interest as on date in the three accounts as mentioned in the statement is as under :

1) 30143895755 – Rs.2,16,590.00/-
2) 30149155339 – Rs.5,40,538,72/-
3) 30143339494 – Rs.2,16,591.00/-

Total – Rs.9,73,719.72/-

5 State Bank of India is directed, on the date of maturity of each of the term deposits, to pay over to the petitioner 1/3rd of the principal

amount plus interest, to pay over to the daughter, viz., Pratibha Vithal Sadgir 1/3rd of the principal amount plus interest and balance 1/3rd of the principal amount plus interest to respondent no.1. If State Bank of India does not receive a communication from respondent no.1 – Milind Madhukar Ugale that he would also like to receive the 1/3rd amount as directed above, State Bank of India shall invest the amount in term deposits, as they would have done in normal course, until further orders.

6 In view of the above, the notice of motion accordingly stands disposed.

7 All parties to act on a copy of this order duly authenticated by the Associate of this court.

(K.R. SHRIRAM, J.)