

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

NOTICE OF MOTION NO.3 OF 2017

IN

TESTAMENTARY PETITION NO.1397 OF 2012

Sayed Mohamed Shah KadriApplicant

IN THE MATTER BETWEEN :

Sayed Munawar Shah Kadri & Anr.Petitioners

Vs.

Hafiza Begum Kadri @ Hafiza BegumDeceased

Mr. Jonathan Jose i/b. M/s. Solomon and Co. for the petitioners.

Mr. Nitin R. Gandhi for the applicant.

CORAM : K.R.SHRIRAM, J.

DATE : 25th JANUARY, 2017

P.C.:

1 This notice of motion is taken out by the applicant to withdraw the amount deposited by the petitioners with the Prothonotary and Senior Master, High Court, Bombay as per the Deposit Certificate dated 24th November, 2016 issued by the Prothonotary and Senior Master, High Court, Bombay.

2 The applicant is the eldest son and one of the legal heir and and next-of-kin of the deceased. The petitioners were the son and daughter-in-law of the deceased. As recorded in the order dated 12th August, 2013 in Notice of Motion No.40 of 2013 in Testamentary Petition No.1397 of 2012, the petitioners had given an undertaking to

deposit the legitimate share of the applicant and to disburse the legitimate shares of the other legal heirs. Pursuant thereto, the petitioners have deposited with the Prothonotary and Senior Master a sum of Rs.11,42,379.95/-. That amount has been invested in Fixed Deposit which is due to mature on 8th August, 2017.

3 The counsel for the applicant seeks to collect the said amount from the Prothonotary and Senior Master. The counsel appearing for the petitioners states that the petitioners have no objection.

4 Therefore, the applicant is permitted to withdraw the amount from the Prothonotary and Senior Master.

5 The notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)