

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAC] No. 15 of 2017
Along with
Civil Revision Application St. No. 1952 of 2017
[Ramdas Hari Ghogre Vs. Sau. Meera Shrikrushna Shende & another]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S. A. Mohta, Adv., for the applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 20th February, 2017

There is a delay of sixty-one days in filing the Civil Revision Application. In the Civil Revision Application, the order passed by the learned Principal District Judge, Akola, in Regular Civil Appeal No. 88 of 2014 setting aside the order passed by the trial Court in Misc. Judicial Case No. 886 of 2012 is under challenge.

The applicant is the brother of Non-applicant no.1. Their father expired on 18th October, 2012. In the bank account maintained by him, name of applicant was mentioned as nominee. The non-applicant no.1 filed an application for grant of Succession Certificate for entitlement to the amount lying in the aforesaid bank account. This application was rejected by the trial Court.

The appellate Court allowed the appeal preferred by the non-applicant no.1 and held her entitled to fifty per cent of the total amount. Being aggrieved, the present Revision Application has been filed.

In the light of the judgment of the Honourable Supreme Court in **Ram Chander Talwar & others Vs. Devender Kumar Talwar & others** [2010 AIR SCW 6842], I have heard Shri S. A. Mohta, learned counsel for the applicant, on the question of delay. Considering the law laid down in the aforesaid decision that though the nominee would have exclusive right to receive the amounts lying in deposit, he would not become the exclusive owner thereof and the money received would thereafter devolve as per rules of succession, I do not find that the appellate Court has committed any jurisdictional error when it allowed the appeal. No purpose would be served in condoning the delay.

In view of aforesaid, the Civil Application stands dismissed. Consequently, the Civil Revision Application is also disposed of.

Judge