

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 243 OF 2017
IN
TESTAMENTARY PETITION NO. 1546 OF 2013**

Ramchandra Bhikaji Ravte & Anr	...Applicants
<i>In the matter between</i>	
Ramchandra Bhikaji Ravte & Anr	...Petitioners
<i>Versus</i>	
The Saraswat Co-operative Bank Ltd	...Respondent

Mr Aniket Ramsubhei, i/b Ajay Basutkar, *for the Applicants.*
Mr Bhupesh V Samant, a/w *SV Ghaisas*, *for the Respondent.*

CORAM: G.S. PATEL, J
DATED: 23rd January 2018

PC:-

1. The Petitioners are executors appointed under the last Will and Testament dated 12th October 2010 of one Shivraj Arjun Keer. Probate was granted on 30th December 2016. The deceased had a bank account and a fixed deposit with the Saraswat Co-operative Bank Ltd, Dadar (West) Branch, the Respondent. The executors asked the bank to transfer the amount lying in that account to their names. The bank insisted that the Petitioners open a separate bank account showing their names as 'executors of the estate of Shivraj Arjun Keer' and that they obtain a PAN card in such capacity, i.e.,

as executors. The Petitioners say that other banks have not made this demand.

2. It is irrelevant what other banks have done. What the Respondent bank has asked for is completely correct and is in strict conformity with statutory provisions. There is no question of allowing the Petitioners to intermingle estate funds with their own. These have to be in a separate account and a separate PAN card has to be obtained.

3. The Notice of Motion is dismissed. No costs.

(G. S. PATEL, J)