

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
NOTICE OF MOTION NO. 244 OF 2017
IN
TESTAMENTARY SUIT NO. 2 OF 2018
IN
TESTAMENTARY PETITION NO. 1699 OF 2017**

Sunil Dilip Kakod	...Plaintiff
<i>Versus</i>	
Ratan Dilip Kakod & Ors	...Defendants

Mr Tejas Vora, with DR Mishra, for the Plaintiffs.
Mr Vishal Kanade, I/b Sanjay Gawde, for Defendants Nos. 1 to 3.

CORAM: G.S. PATEL, J
DATED: 14th August 2018

PC:-

1. There is an Affidavit of Disclosure by Respondent No. 2 from pages 177 to 182. This is taken on record. Statement No. 4 at page 182 shows the four holdings of: Respondent No. 1 (Rs. 1,01,15,000/); Respondent No. 2 (a fixed deposit of Rs. 1.50 crores), and Respondent No. 3 (fixed deposits of Rs. 59 lakhs and a savings account holding of Rs. 11 lakhs).

2. Mr Kanade on behalf of Respondents Nos. 1 to 3 suggests that the amount of Rs. 11 lakhs be allowed to be moved from the savings account of Respondent No. 3 to the savings account of Respondent No. 1, the mother of the Plaintiff and Respondents Nos. 2 and 3. This is accepted.

3. Respondents Nos. 2 and 3 will not encash the fixed deposits shown in their names, utilize the income therefrom or in any other manner deal with or transact these fixed deposits without a specific order of the Court obtained after at least two weeks' notice to the Advocate for the Plaintiff.

4. So far as the amount held by the 1st Respondent is concerned, this will go up by Rs 11 lakhs to an aggregate of Rs. 1,12,50,000/-. Mr Kanade on instructions states that all of this amount Rs. 89 lakhs has been placed in two fixed deposits by the 1st Respondent, one of Rs. 44 lakhs and other Rs. 45 lakhs. The rest is in her bank account, except the amount of Rs. 11 lakhs which is to be transferred to her bank account by Respondent No. 3 on or before 23rd August 2018.

5. The 1st Respondent is of course entitled to use the income from these holdings in her name. I am also not restricting her right to use the capital but will only direct that this may also be used, if necessary, for her medical and hospitalization expenses, but is not to be used for making any gifts or transfers to any family members, relatives, friends, or donations etc.

6. At this stage, no further directions are required.

7. All fixed deposits held by all the Respondents will be renewed periodically until further orders of the Court.
8. It is also clarified that the interest on the fixed deposits held by Respondents Nos. 2 and 3 will be transferred to the account of the 1st Respondent – mother.
9. Liberty to the parties to apply.
10. The Notice of Motion is disposed of in these terms. No costs.

(G. S. PATEL, J)