

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

APPEAL AGAINST ORDER NO.55/2016

Ranjana Rushiji Madavi and others

..Vs..

Sudhir Haridas Wethe

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

Court's or Judge's orders

Shri S.U. Deshmukh, Advocate for the appellants.
Shri M.P. Kariya, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATE : 19.4.2018.

Heard.

Pursuant to the order passed by this Court on 2nd April, 2018 learned Principal District Judge, Gadchiroli appointed Smt. Varsha Manwar, Para Legal Volunteer to undertake discreet enquiry to assess the well-being of minors - Dhanshree and Aditi. The statements of Principal, Navjiwan Public School, Gadchiroli, Ashwini S. Gedam, Priyanka Chintaman Gohane, Ku. Soniya Venudas Bhoyar, Ku. Sonal A. Kulsange (Teachers of Dhanshree and Aditi) and report of Smt. Varsha Manwar are submitted to this Court.

The above exercise was undertaken considering the fact that earlier on one occasion Dhanshree and Aditi expressed that they are not happy in custody of their father and on two other occasions they expressed that they are happy in custody of their father.

Considering the facts on record, following order is passed:

ADMIT.

Shri M.P. Kariya, Advocate waives notice for the respondent.

The learned Advocate for the respondent, on instructions from the respondent who is present in the Court, states that the entire amount received / receivable towards service benefits of deceased Archana would be kept in fixed deposit in nationalized bank in joint account of Dhanshree and Aditi and the amount will not be withdrawn without obtaining appropriate orders from this Court. The learned Advocate for the respondent, on instructions, has submitted that amount receivable towards insurance policy in the name of Archana and in respect of which succession case is going at Chandrapur, can also be invested in fixed deposit in nationalized bank in the name of Dhanshree and Aditi. The statement made on behalf of the respondent is recorded. The appellants are at liberty to move appropriate application before the Court before which the succession case is going on for passing appropriate orders, considering the above statement made on behalf of the respondent. The learned Advocate for the respondent, on instructions, states that Plot No.76, Survey No.11/12, Gajanan Nagri, Chandrapur will not be disposed and any third party right or interest will not be created in it till Dhanshree and Aditi attain majority.

Report of Smt. Varsha Manwar alongwith

statements recorded by her be kept in sealed envelope.

The order dated 2nd April, 2018 be taken out from the sealed cover and kept on the record. Out of the amount deposited by the appellant and the respondent, Rs.10,000/- (Rs. Ten Thousand) be given to Smt. Varsha Manwar. Balance amount be refunded to the parties, Rs.15,000/- (Rs. Fifteen Thousand) each.

CIVIL APPLICATION (CAA) NO.69/2016

The prayer made in this application to stay the effect, operation and implementation of the impugned order is rejected, at this stage. The civil application is **dismissed**. No costs.

CIVIL APPLICATION (CAA) NO.74/2016

As Dhanshree and Aditi are produced before this Court earlier on three occasions and there has been interaction with them, the application is **disposed**. No costs.

The appellants are granted liberty to move application for access to the minors / for temporary custody of the minors.

CIVIL APPLICATION (CAA) NO.68/2016

The appellants are granted eight weeks' time to remove the office objections. The civil application is **disposed** accordingly. No costs.

JUDGE