

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL APPLICATION (STAMP) NO.32544 OF 2019
IN
WRIT PETITION NO.5216 OF 2007

ANKUSH FAKIRA CHAVAN, SINCE DECEASED THROUGH L.RS. MEENA
ANKUSH CHAVAN AND OTHERS
VERSUS
THE MANAGING DIRECTOR, OSMANABAD DISTRICT CENTRAL
COOPERATIVE BANK LTD. AND ANOTHER.

...
Shri M.U.Shelke, Advocate for the applicants.
Shri M.P.Tripathi h/f Shri K.J.Ghute, Advocate for the respondents.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 11th October, 2019

Per Court:

1 This matter was not on the Board. A grave urgency was voiced by the learned advocate at lunch recess stating that the legal heirs of the deceased Ankush Chavan have traveled to Aurangabad from taluka Barshi, District Solapur for withdrawal of amount and it is found that as they are not brought on record, they cannot withdraw the amount though there is an order permitting the legal heirs to receive the said amount. Hence, taken on the production board.

2 This Civil Application is filed to place on record before this Court the legal heirs of the deceased Ankush Fakira Chavan, who has

succeeded in Writ Petition No.4503/2007 by the judgment of this Court dated 23.07.2019. Consequentially, all monetary benefits flowing from the said judgment were payable to the deceased Ankush Chavan. As he has passed away, his legal heirs are brought on record.

3 The learned advocate for the respondent/ bank submits that since the amounts deposited in this Court are towards the service benefits and the beneficiary Ankush has passed away, this Court may pass an appropriate order.

4 The learned advocate for the applicants submits that the legal heirs have been permitted to withdraw the amount keeping in view that Ankush has passed away. However, the widow of the deceased Ankush Chavan has not yet opened the bank account.

5 I find that the amount that would have been payable to the deceased Ankush Chavan was towards his service benefits. With his passing away, the said service benefits would flow to his widow (applicant no.1).

6 In view of the above, this Civil Application is partly allowed. Applicant no.1 (Meena wd/o Ankush Chavan) shall open a savings bank account in her name and not a joint account with anybody else. She is permitted to make an application through proper identification in the Registry of this Court by stating her full name and saving bank account details. The Registry would allow her to withdraw her share, which is

Rs.5.80 lac, by issuing a Demand Draft or by transferring the said amount through bank transfer so as to deposit the said amount in her saving bank account.

kps

(RAVINDRA V. GHUGE, J.)