

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5819 OF 2018

Renu Jaspal Premi and Ors. ... Petitioners
V/s.
State of Maharashtra and Anr. ... Respondents

Mr. C.G. Gavnekar a/w. Mr. G.S. Hiranandani, for the Petitioners
Mr. N.C. Walimbe, AGP for the Respondent Nos. 1 and 2.

**CORAM : B. P. DHARMADHIKARI AND
REVATI MOHITE DERE, JJ.**

DATE : 6th MARCH 2019.

P.C.:

. Petitioner No. 1 widow, her daughter and son have approached this Court for direction to Respondent No. 2 Collector to disburse to Petitioners the amount of Rs. 7,90,000/- sent to that office by his employer. The amount due to late husband has been forwarded by Embassy of India at Riyadh, Saudi Arabia to Respondent No. 2 mentioning Petitioner No. 1 as legal heir and with request to pay the amount to all the legal heirs after due inquiry/ verification and to send the receipt duly signed by legal heirs.

2. Respondent No. 2 Collector therefore has insisted for production of succession certificate.

3. Here the employer had disclosed the name of Petitioner No. 1 as legal heir and accordingly Indian Embassy at Riyadh has communicated the same to Respondent No. 2. That widow namely Petitioner No. 1 has fairly pointed out that along with her, her daughter and son are also entitled to share. Accordingly, all three are jointly before this Court with a prayer to direct Respondent No. 2 to make over that amount to them.

4. During arguments, counsel for the Petitioners stated that Petitioners shall also furnish independent surety for said amount so that in case of difficulty the amount can be recovered from the said surety.

5. Learned AGP is relying upon orders of this Court in Writ Petition No. 6683 of 2018 dated 18th July, 2018. We find that order dated 18th July, 2018 cannot be seen as precedent and there liberty has been given to Petitioner therein to approach office of Collector again.

6. Here facts at hand clearly show that employer has recognized Petitioner No. 1 as one of the legal heir and that legal heir has brought on record two more legal heirs.

7. We therefore direct Petitioners to execute an undertaking and the indemnity bond thereby accepting to repay the amount received by them with appropriate interest to Respondent No. 2 if occasion there arises. Such undertaking on affidavit be furnished within two weeks.

8. During said period they shall also furnish independent surety for said amount. After receipt of such surety and affidavits, Respondent No. 2 shall release the amount along with interest accrued upon it and deposit the same in bank account of Petitioner No. 1 for all Petitioners.

9. The submission of Respondent No. 2 that it has no authority to adjudicate on question of legal heirs, need not be again looked into in present matter as there is no scope for it here.

10. Writ Petition is accordingly disposed of with no orders as to costs.

(REVATI MOHITE DERE, J.)

(B.P. DHARMADHIKARI, J.)

This order is corrected as per speaking to minutes order dated 15th March, 2019.