

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application NO. 267 OF 2019
IN
Writ Petition NO. 5429 OF 2000

Smt. Goretti Rajesh Yadav	
And another	...Applicants
IN THE MATTER BETWEEN	
Smt. Goretti Rajesh Yadav	
And others	...Petitioners
<i>Versus</i>	
Union Of India	
And Ors.	...Respondents

....
Mr. Vasantlal K. Rajbhar, Advocate for the Applicants.
Mr. Dharmesh Joshi, Advocate for Respondent Nos. 1 & 2.
....

CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.
DATE : 22nd NOVEMBER, 2019

PC.

1. Heard learned Counsel for the parties.
2. By this Civil Application, the applicants are seeking permission to withdraw the amount invested by the Registry in Fixed Deposits as per the order dated 29.11.2000 passed by this Court in Writ Petition No.5429/2000.
3. Paragraph-4 of said order dated 29.11.2000 reads thus :
 - “4. Therefore, we hereby direct that the amount of Rs.1,20,929/- each be given to the petitioner Nos.2 & 3. The said amounts shall be invested in any nationalized bank in the names of minors petitioner Nos.2 & 3 till they attain the age of maturity. Petitioner No.1 – mother of the minors petitioner Nos.2 & 3 shall be entitled to collect the interest accrued thereon for the benefit of said minors.

Out of total amount of Rs.1,20,929/ payable to the petitioner No.1, Rs.60,000/- shall be invested in the fixed

deposit in any nationalized bank for the initial period of 3 years and remaining amount of Rs.60,929/- shall be allowed to be withdrawn by her.

Amount of Rs.1,20,929/- be paid to the Respondent No.4 – mother of deceased Rajesh.

This order shall be communicated by the Registrar to the respondent No.4 immediately.

Petition stands disposed of.

All the concerned parties including the Registrar to act on the copy of this order duly authenticated by the Sheristedar of this Court.”

4. Learned Counsel for the applicants submit that applicant No.2 is major. He is 19 years old. He submits that the amount is lying with the Registry of this Court in Fixed Deposits. Therefore, the applicants may be permitted to withdraw said amount.

5. Considering the submissions made by the learned Counsel for the applicants and the order dated 29.11.2000 in Writ Petition No.5429/2000, we are satisfied that the applicants have made out a case for allowing this Civil Application. Hence, the following order is passed :

- (a) The applicants are permitted to withdraw the amount invested by the Registry of this Court as per the order dated 29.11.2000, with accrued interest, if any, without furnishing any security.
- (b) Civil Application is disposed of accordingly. No order as to costs.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)