

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.855 OF 2018
IN
MISC PETITION NO.561 OF 1982**

Shri Gajanan Maruthi Damame & Ors	..Plaintiffs
Vs.	
Anant Gajanan Damame & Ors	..Defendants
And	
Smt. Kalpana Sachin Damame	..Applicant

Ms A. Shareefanmal for Applicants
None for Respondent

**CORAM : K.R.SHRIRAM, J.
DATE : 4th MARCH, 2019**

P.C.:

1 Applicant is the widow of Sachin C. Damame. Applicant has two minor children, who are twins and aged 3 & ½ years. Late Sachin C. Damame was the original respondent no.5 in Misc Petition No.561 of 1982. Pursuant to an order dated 18th October 1982, petitioner in Misc Petition was directed to deposit an aggregate sum of Rs.24,325/- of the sale proceeds of the sale of the property with the Accounts Officer of this court. Accounts Officer was directed to invest the same with a nationalised bank. At that time, Sachin C. Damame was also a minor. A sum of Rs.24,325/- was deposited with the Accounts Officer as the share that would go to Sachin C. Damame. The amount has been invested and pursuant to a copy of a certificate dated 28th February 2018, issued by the Accounts Officer, there is a sum of Rs.82,937/- to the credit of Sachin C. Damame.

2 Sachin C. Damame, however, expired on 27th December 2016, leaving behind applicant and two minor children. Applicant states that applicant and two minor children are the only legal heirs and Sachin C. Damame died intestate. Applicant and the two minor children are the relatives specified in class-I of the schedule. Ms Shareefanmal appearing for applicant on instructions states that mother of Sachin C. Damame predeceased Sachin C. Damame.

3 Technically, I would have asked applicant to first obtain succession certificate as per the provisions of Hindu Succession act but that would mean further delay and expenditure to applicant and the amount involved is also not very large. Therefore, the Accounts Officer is directed to release 1/3rd amount lying to the credit of late Sachin C. Damame, to applicant. The balance amount to be invested for the credit of the two minor children and the amounts to be released upon the minors attaining the age of majority.

4 Chamber summons accordingly disposed.

(K.R. SHRIRAM, J.)