

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
JUDGES ORDER NO. 183 OF 2019
IN
SUIT NO. 3418 OF 2005**

Smita Mangesh Malkar & ors. ...Plaintiffs
Versus
Caperod Shipping Ltd. & ors. ...Defendants

Mr. Ketan Parekh, i/b K. R. Parekh & Co., for the Plaintiffs.

**CORAM: N. J. JAMADAR, J.
DATED : 4th NOVEMBER, 2019**

PC:-

1. Heard Mr. Parekh, the learned Counsel for plaintiff no.2 Poorva Mangesh Malkar.
2. By order dated 31st January, 2006, Suit No.3418 of 2005 was allowed to be withdrawn in pursuance of the settlement arrived at between the parties. Plaintiff no.2 Poorva was then a minor. She was 4½ years old.
3. Out of the amount of Rs.70,65,493.36 ps. deposited by the defendants towards full and final settlement of the plaintiffs claim, an amount of Rs.17,44,708/- was allotted to the share of plaintiff no.2. This Court had directed that the said amount shall remain deposited in the Court. Clause (3) of the order dated 31st January, 2006 reads as under:

“(iii) An amount of Rs.17,25,000/- being the share of Plaintiff No.2 shall remain deposited in this Court. The office is directed to invest the same in GOI 8% Savings Bond, 2003. The same shall be renewed on maturity after obtaining the orders of this Court.”

4. Plaintiff no.2 Poorva has attained majority. The Birth Certificate issued by Nalasopara Municipal Council and the School Leaving Certificate issued by Panbai International School reveal that the date of birth of plaintiff no.2 Poorva is 8th December, 2000.

5. In view of the above, since plaintiff no.2 Poorva has attained majority, the prayer to allow plaintiff no.2 Poorva to withdraw the amount deposited in the Court along with interest accrued thereon is justifiable. Thus, the amount of Rs.2,44,708/- deposited with the Oriental Bank of Commerce, Overseas Branch, Nariman Point Branch and Rs.15,00,000/- deposited with UCO Bank, Nariman Point Branch, along with interest accrued thereon, be paid to plaintiff no.2 - Poorva Mangesh Malkar, upon proper identification, by account payee cheque, without any security.

6. Judges order signed separately.

7. In view of above, Judges Order stands disposed of.

[N. J. JAMADAR, J.]