

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.2399 OF 2020
IN
SUIT NO.454 OF 2018**

Ram Prakash Bajinath JaiswarApplicant/Plaintiff

V/s.

Maltidevi Bajinath Jaiswar and Ors.Defendants

Ms. Brenda D'souza for applicant/plaintiff.

Mr. Ajay Panicker i/b. Ajay Law Associates for defendants nos.2 and 3.

**CORAM : K.R.SHRIRAM, J.
DATED : 5th JANUARY 2021**

P.C. :

1 Heard the counsel. Mr. Panicker on instructions from defendant

no.2 makes a statement on behalf of defendant nos.2 and 3 as under :

(i) with reference to prayer clause – (a) of the interim application, Mr. Panicker consents for the same being granted. Therefore, the same is hereby granted;

(ii) with reference to prayer clause – (b), Mr. Panicker states that the amount will become payable only after the Will of late Bajinath Jaiswal is probated. Mr. Panicker states that once the probate is granted, defendant no.2 shall certainly pay over the money to plaintiff but the probate petition is pending in this Court since 2018. Mr. Panicker states that all office objections have been removed and the probate petition is to be processed further.

Mr. Panicker shall contact the concerned Registrar during the course of this week either personally or through his junior or through an authorised clerk to find out what is further required to be done in the probate petition and the concerned department shall process the probate petition and dispose it of expeditiously.

(iii) as far as prayer clause – (c) is concerned, Mr. Panicker states that only after the death of defendant no.1 in May 2019, defendant no.2 has been taking care of the Flour Mill and defendant no.2 is ready and willing to provide the accounts to plaintiff. The accounts to be provided within four weeks from today and every six months the accounts will be provided.

(iv) as far as prayer clause – (d) is concerned, Mr. Panicker states that in November 2020 plaintiff was requested to accompany defendant no.2 to Azamgarh, Uttar Pradesh for partitioning the agricultural land but plaintiff did not even respond. Ms. D'souza states that she will certainly advice plaintiff and co-ordinate with Mr. Panicker to fix a mutually convenient date for plaintiff and defendant no.2 to go to Azamgarh for partitioning the property.

(v) with reference to prayer clause – (e), Mr. Panicker states that defendant no.2 does not have the original ration card. Ms. D'souza states that plaintiff has a photocopy of the ration card.

Plaintiff is at liberty to apply to the concerned Rationing Office, under advice to defendant no.2, for providing a duplicate of the ration card and the Rationing Authority shall, within four weeks of receiving the application, provide a duplicate of the ration card in accordance with law.

2 Interim application accordingly stands disposed.

3 This order shall be binding on defendant no.4 also. Plaintiff to amend the pleadings to delete the name of defendant no.1.

Gauri A.
Gaekwad
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by Gauri A.
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Date:
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(K.R. SHRIRAM, J.)