

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION
INTERIM APPLICATION NO.2077 OF 2019
IN
TESTAMENTARY PETITION NO.413 OF 2019**

Deven Arunkumar Ashar ... Applicant/Plaintiff
versus
Sonali Manish Ashar and Anr. ... Defendants

Mr. Vivek Kantawala with Mr. Amey Patil, Ms. Shanay Bafna i/by Vivek Kantawala and Co., for Applicant/Petitioner
Ms. Shaista pathan with Mrs. Pooja Shah i/by Y&A Legal for Defendants.

**CORAM: N.J.JAMADAR, J.
DATE: 3 JANUARY 2023**

P.C.:

1. The Applicant/Petitioner has preferred this Application to allow him to open and operate a Savings Bank account in Karur Vyasa Bank in the name of Estate of Arunkumar Jamnadas Ashar, the deceased.
2. The Applicant claims that he is the sole executor of the Will and Testament of the deceased. The Applicant avers that it is necessary to have an account in the name of the estate of the deceased to deposit the income tax refunds and incur any other statutory expenses and/or payments to be made to the government authorities. The Applicant further asserts that the Applicant is willing to share every month the entries of debit and credit in the said account with the caveators.
3. The learned Counsel for the Respondents/Caveators, on instructions,

submits that the caveators have no objection to open an account in the name of the Estate of Arunkumar Jamnadas Ashar in State Bank of India, Napean Sea Road branch, 8-A, Garden View Apartment, Kheshwala Premises Co-op. Soc. Laxmibai Jagmanohandas Marg, Mumbai – 400 006, instead of Karur Vyasa Co-op. Bank Ltd., as proposed by the Petitioner/Applicant. The learned Counsel further submits that permission to open an account be granted subject to the undertakings given in the Application.

4. In view of the aforesaid submissions, the Application stands allowed in terms of prayer clause (a).

5. The Petitioner is permitted to open Savings Bank Account with State Bank of India, Napean Sea Road Branch, Mumbai in the name of Estate of Arunkumar Jamnadas Ashar, subject to the following conditions :

(a) The said account be operated for the purpose of depositing income tax refund, incurring expenses towards the income tax and any other statutory expenses and/or payment to be made to the government authorities.

(b) The Petitioner/Applicant shall share the details of the transactions in the said account at the end of each month with the Respondents/Caveators.

6. The Application stands disposed.

7. Liberty to apply in case of difficulty in opening and operating the said

Account.

(N.J.JAMADAR, J.)