



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 104 OF 2022

(KU. AYUSHI SIDDHARTH WALDEKAR THR. GUARDIAN..VS.. SMT. REKHA SIDDHARTH
WALDEKAR & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.B.Walthare, Advocate for Petitioner.
None for the respondents.

CORAM : ANIL S. KILOR, J.
DATED : JANUARY 05, 2024.

1. Heard learned counsel for the petitioner. None for the respondents through served.
2. The order dated 03/01/2022 passed below Exh.40 by the 15th Joint Civil Judge Senior Division, Nagpur, rejecting the application moved by the petitioner/ plaintiff for grant of permission to withdraw 50% amount lying with the defendant Nos.2 and 4 i.e. Uco Bank and Union Bank of India, is under challenge in this writ petition.
3. The petitioner filed a suit for declaration and permanent injunction. The declaration that the plaintiff is entitled for half share in the amount lying with UCO Bank i.e. from the account of deceased Siddharth Manohar Waldekar. The said amount was claimed by the plaintiff on the ground that she is an adopted daughter of deceased Siddharth Manohar Waldekar.

4. In the written statement the said fact was denied by the defendant No.1 - widow of deceased -Siddharth.

5. The learned trial Court while rejecting the application Exh.40 has held that since it is disputed fact whether the plaintiff is an adopted daughter and there was any Will executed by deceased Siddharth, the learned trial Court refused to permit the petitioner to withdraw 50% amount.

6. Considering the fact that there is a dispute about the adoption of the plaintiff and also to the execution of the Will, I do not find any error committed by the Court below in rejecting the application Exh.40.

7. Accordingly, the Writ Petition is **dismissed**. No order to costs.

8. In view disposal of the writ petition, the pending applications, if any, shall stand disposed of.

JUDGE