

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.87 OF 2025
IN
GUARDIAN PETITION NO.147 OF 2002

Varda Bavtis Fernandes and Anr. ...Applicants

Smt. Sumati Pandurang Padave ...Petitioner

WITH
GUARDIANSHIP PETITION NO.147 OF 2002

Mr. Patade Sandip Sitaram, Advocate for the Applicants/Petitioner.

CORAM : ABHAY AHUJA, J.
DATE : 6th FEBRUARY, 2025

PC. :

1. This Interim Application has been filed by the Applicants in the Guardianship Petition seeking withdrawal of the amounts of Fixed Deposits, which are stated to be created in their names to be withdrawn by them upon attaining majority.

2. Mr. Patade, learned Counsel appearing for the two Interim Applicants submits that the Accounts Officer of this Court on 11th July 2024, has sent a communication stating that from the records maintained in the High Court it has been noticed that monies deposited

in the two Cause No. 14696 and 14697 have not been claimed by the party entitled to the same for a long period and that immediate steps be taken to withdraw the said securities / amounts, failing which the amounts are liable to lapse to the Government pursuant to Section 1 of the Act XXVI of 1866.

3. It is submitted that pursuant to the said communication, a request for balance certificate was made and two balance certificates: one at Exhibit-J and other at Exhibit-K, issued by the Accounts Officer of the High Court indicate that there are three Fixed Deposits in the account of Varda Kamlakar Padave as the beneficiary and two Fixed Deposits in the name of Atul Kamlakar Padave as the beneficiary.

4. Mr. Padade submits that the two Applicants, who have attained majority, are seeking withdrawal of the two Fixed Deposits in terms of prayer Clauses (a) to (c) and that this Court may direct the Registry to make the payments in respect of the five Fixed Deposits to the two Applicants respectively.

5. Having heard the learned Counsel and having considered his submissions, this Court is of the view that subject to verification by the

learned Prothonotary & Senior Master of the authenticity and veracity of the claim made by the Applicants including verification of their identity documents, the Application be allowed in terms of the prayer Clauses (a) and (b), which read thus:-

- “a. This Hon’ble Court may be pleased to allow to withdraw the amounts in three FDs mentioned in the Balance Certificate dated 23.08.2024 for Cause No. 14697 (Exhibit-J) to the Applicant No. 1;
- b. This Hon’ble Court may be pleased to allow to withdraw the amounts in two FDs mentioned in the Balance Certificate dated 23.08.2024 for Cause No. 14696 (Exhibit-K) to the Applicant No.2.”

6. The Application accordingly stands disposed as above.

(ABHAY AHUJA, J.)