



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
TESTAMENTARY AND INTESTATE JURISDICTION

INTERIM APPLICATION NO. 5206 OF 2025
IN
TESTAMENTARY PETITION NO. 1161 OF 2014

Anthony Thobias Soares

...Deceased

And

Cecelia Anthony Soares

...Applicant/Petitioner

Ms. Shaila R. Pandey for Applicant/Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : 1st December, 2025.

P. C. :

1. The Interim Application has been preferred for return of the original Fixed Deposit Receipt bearing No. 807709 dated 6th June, 2015 for sum of Rs. 5,75,000/- standing in the name of Rachel Soares and for permission for the encashment of fixed deposit receipt which has matured.
2. Learned counsel appearing for Plaintiff submits that at time of filing of Petition, one of the daughter of pre-deceased son of deceased was minor. She submits that the fixed deposit was created for securing 1/7th share of minor Rachel Richard Soares who has now attained majority. She would further submit that the fixed deposit has also

matured and on 27th September, 2015, probate came to be granted in favor of Plaintiff. She would further point out the joint Affidavit filed by Petitioner and Ms. Rachel Soares consenting to withdrawal and encashment of the fixed deposit receipt.

3. Ms. Rachel Soares who was a minor in the year 2015 had 1/7th share in the estate of the deceased and in order to secure her share, the fixed deposit receipt in the name of Rachel was furnished as surety. As the minor has now attained majority and Affidavit has been filed to that effect consenting to withdrawal of the fixed deposit receipt, the Department is directed to return the original fixed deposit receipt No. 807709 dated 6th June, 2015 drawn on Bank of Baroda, Marol Maroshi Road, Andheri standing in the name of Rachel Soares to be handed over to Rachel Soares upon verifying the identity.

4. Learned Prothonotary and Senior Master to address a communication to Bank of Baroda permitting the encashment of the fixed deposit receipt in the name of Rachel Soares.

5. Interim Application is allowed.

[Sharmila U. Deshmukh, J.]