

HARSHADA H. SAWANT
(P.A.)

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

CONTEMPT PETITION NO.3 OF 2025
IN
TESTAMENTARY PETITION NO.346 OF 2024

Ganesh Ashok Sawant

.. Petitioner

Versus

Sanjana Wadkar

Postmaster, Sawant Wadi Head Post Office and
Ors.

.. Respondents

.....

- Ms. Gauri G. Sawant, Advocate for Petitioner.
- Ms. Smita Thakur a/w. Ms. Ateeba Hasan, Advocates for Respondents.

.....

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 20, 2025

P.C.:

1. Heard Ms. Sawant, learned Advocate for Petitioner and Ms. Thakur, learned Advocate for Respondents.

2. This is a Contempt Petition which is filed by Petitioner alleging contempt of Grant issued by the Court in so far as disbursement of benefit under the Grant is concerned. Dispute narrows down only to the extent of amount lying in one Savings Account No.3297584581 initially with Kolbad Post Office, Thane which was transferred to the Sawantwadi Post Office. The amount lying in that account alongwith accrued interest belong to the deceased. Grant has been issued on 26.06.2024. By virtue of the Grant, it is stated that Dakghar Post Office, Kolbad Savings Account

No.3297584581 is part of estate of deceased. All that is lying in that account is required to be bequeathed as per clause No.10 of the Will which has been probated by the Court.

3. The difficulty arose due to the amount which is lying in the said transferred Bank Account being Rs.4,50,000/- plus accrued interest thereon. The same is ascertained from the correspondence executed by Petitioner with concerned Post Office for seeking bequeathal as per the Will because there is discrepancy in amount which is mentioned in the Schedule against the said Savings Account and it did not correspond with Rs.4,50,000/- plus outstanding interest therein and hence Respondents raised an objection. That objection is contained in the letter issued by Respondents to Petitioner on 31.08.2024 which is appended at Exhibit-C, page No.43 of the Petition.

4. Ms. Sawant would submit that once the Grant is issued, the bequeathal has to follow as per the wish of the Testator and the Department of Post cannot issue the said objection. She would submit that for past almost more than one year, she has suffered despite Grant having been issued and has not got the benefit of bequeathal. Hence she would submit that this Court be pleased to pass appropriate directions.

5. *PER CONTRA*, Ms. Thakur would submit that Respondents are Government bodies and required to act strictly in accordance with

law. She would submit that in view of the Schedule of Assets annexed to the Will stating the amount of Rs.1,00,000/- only and that having been noticed by Respondents, the aforesaid objection is raised. She would fairly submit that in view of this difference and discrepancy in the amount noticed, the Petitioner was called upon to obtain an appropriate Succession Certificate in respect of concerned immovable property clarifying the correct amount for clear distribution of amount to settle the case of Petitioner.

6. She would submit that Respondent has absolutely no interest whatsoever in the Petitioner's legacy or Petitioner being a legatee alongwith other beneficiary in respect of the said Account. She would persuade the Court that if appropriate directions are passed, Respondents will undoubtedly have to abide by the same.

7. I have heard submissions advanced by learned Advocates at the bar and perused the record of case.

8. There is no doubt that the Probate which has been granted gives a clear disposition of the amount lying in the said Savings Bank Account No.3297584581 in Clause 10 of the Will. The disposition should be according to what is stated therein. That will have to be undertaken by the concerned Executor of the Will. Hence no separate grant is necessary. The only discrepancy is in the respect of the amount which is stated in Schedule – I i.e. Schedule of Assets against

the aforesaid Savings Account because of which the objection has been raised.

9. Whatever may be the circumstances which led to the preparation of said Schedule of Assets appended to the Will for the purpose of disposition according to wish of the Testator, what is important is the bequeathal granted under the Will. In terms of paragraph No.10 whatever is the amount lying in the said Savings Account is required to be bequeathed to the beneficiary under the Will, hence the discrepancy of the Rs.1,00,000/- noticed by the Court in the Schedule as appearing is *prima facie* on the face of record incorrect.

10. Considering that there is discrepancy *prima facie* on the record of amount held in the said Bank Account as also read with Clause 10 and the disposition as per the Will, there can be no impediment in clarifying the fact that the amount lying in Savings Account No.3297584581 initially with Kolbad Post Office and thereafter transferred to Sawantwadi Post Office is required to be corrected to Rs.4,50,000/- or any other amount lying in that Account alongwith all accrued interest therein subject to the disposition as determined and the Executor of the Will shall disburse the said amount as per the probate. The Post Office shall not insist on any other Grant required to be submitted by Petitioner. It is not required at all, in my opinion in the above facts.

11. All that Petitioner will have to do is to file an undertaking in writing in the Post Office that in future if there is any claim, the Petitioner shall be liable and responsible for the same and nothing more. Needless to state that if Know Your Customer formality (for short 'KYC') is required to be complied, same shall be done in accordance with law. Photocopy of the death certificate self-attested by the Applicant shall be accepted by Post Office for compliance. If the documents required for KYC are already filed, the Post Office shall not insist on re-filing of the same and shall consider the same documents and accordingly disburse the entire amount lying in the said account to the Petitioner as agreed upon by Ms. Thakur within a period of one week from today.

12. In the above terms, Contempt Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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SAWANT

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by HARSHADA
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SAWANT
Date: 2025.09.22
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