

IN THE COURT OF SMALL CAUSES, AT MUMBAI
ORDER BELOW EXHIBIT - 1

IN

MARJI APPLICATION NO. 200 OF 2021

IN

R. A. N. Application No. 36/SR of 2001

Smt. Saroj Bipin Thakkar Applicant.

V/s.

Ramsingh Chandrasingh Purohit Respondent.

Mrs. Pratibha M. Lokhande, Ld. Advocate for Applicant.

Respondent No. 1 placed ex-parte.

Coram : A. J. Fatale, Judge

C. R. No. 11

Date : 01.04.2025

ORAL ORDER :

Perused the application and record. Heard advocate for applicant. Present application is filed by the applicant for granting permission to withdraw the amount deposited by respondent No. 1 in RAN Application No. 36/SR of 2001. It is contention of the applicant that the respondent No. 1 was filed RAN application No. 36/SR of 20021 against the respondent No.2. In the said application, respondent No. 1 was directed to deposit interim standard rent @ Rs. 1,000/- per month exclusive of permitted increases. The respondent No. 1 was also directed to deposit arrears of rent / permitted increases from 01.02.2001 till February 2005 within six weeks. As per the said order, liberty was granted to the respondent No. 2 to withdraw the deposited amount. The respondent No. 2 died on 23.02.2017. The

applicant is widow of respondent No. 2 and only heir and legal representative of deceased respondent No. 2. The applicant No. 1 has deposited amount as per order passed in RAN Application No. 36/SR of 2001 and an amount of Rs. 11,000/- was pending in the Court and it was deposited in FDR. Now the said amount is increased to Rs. 14,033/- with interest. The said amount is lapsed in the year 2016. The applicant wants to withdraw the said amount pending in the Court.

2. Applicant has filed on record certified copy of the ledger of account, which shows that FDR is recalled and an amount of Rs.14,033 is pending and which is shown as lapsed in the year 2016. On perusal of the report submitted by the Cash Department, it appears that the respondent No. 1 had deposited an amount of Rs.56,000/- from 11.04.2005 to 06.09.2005 and the said amount is paid to the respondent No. 2 on 12.09.2005. Thereafter, the respondent No. 1 has appears to be deposited Rs. 11,000/- from 10.10.2005 to 08.08.2006. Said amount appears to be invested in the Nationalised Bank on 05.03.2009 and the said FDR recalled on 13.02.2015 and now an amount of Rs. 14,033/- is shown with remark lapsed in the year 2016. Applicant has filed on record copy of ration card which shows that the applicant is wife of respondent No. 2. The applicant has also filed on record copy of Death Certificate of respondent No. 2, which shows that the respondent No.2 died on 23.02.2017. The applicant has also filed on record copy of her ADHAR Card and PAN Card, which shows her name as Saroj Bipin Thakkar. Applicant has also filed copy of certificate of registration of marriage, which shows that the applicant is wife of respondent No. 2.

3. The applicant has filed on record copy of order passed in Interim Notice No. 733 of 2002 in RAN No. 36/SR of 2001, dated 16.02.2005. It appears from the said copy of order that the respondent No. 1 in present application was filed RAN Application No. 36/SR of 2001 against respondent No. 2. As per order dated 16.02.2005 in Interim Notice No. 733 of 2002, respondent No. 1 in present application was directed to deposit amount of arrears of rent / permitted increases from 01.02.2001 till February 2005 within six weeks from the order. The respondent No. 1 was also directed to deposit monthly rent of the application premises @ Rs. 1000/- from March 2005 onwards till disposal of the main application. it is pertinent to note here that the respondent No. 2 in the present application was given liberty to withdraw the amount as and when deposited by the respondent No. 1.

4. Considering the facts and circumstances on record, in my opinion, applicant is entitled to receive the amount of Rs.14,033/- along with interest, if any. Hence, I pass the following order.

ORDER

1. Application is allowed.
2. Applicant is permitted to withdraw rent amount deposited by respondent No. 1 and pending in the Court.
3. Lapsed amount of Rs. 14,033/- be recalled and same be given to the applicant along with interest if any on due verification.

Date : 01.04.2025

**[A. J. Fatale]
Judge, Court Room No.11,
Court of Small Causes, Mumbai.**

-: 4 :-

Order Dictated on : 01.04.2025
Order Checked & Signed on : 01.04.2025