

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

TESTAMENTARY SUIT NO. 118 OF 2021
IN
TESTAMENTARY PETITION NO. 706 OF 2021
WITH
INTERIM APPLICATION (LODGING) NO. 24950 OF 2023
WITH
INTERIM APPLICATION (LODGING) NO. 10677 OF 2022
IN
TESTAMENTARY SUIT NO. 118 OF 2021

Navnitlal Maneklal Jariwala alias
Navnitbhai Maneklal Jariwala

...Deceased

Shailesh Navnitlal Jariwala

...Plaintiff/Petitioner

Versus

Deepika Jaiswal

...Respondent/Caveator

- Adv. D.V. Saroj, for Plaintiff/Petitioner.
- Adv. S.R. Tripathi i/b R.M. Upadhyay, for Defendant.

CORAM : MANISH PITALE, J.

DATE : 30th OCTOBER, 2023.

P. C. :

1. In the order dated 13th September, 2023, this Court had observed as follows :

“5. The learned Counsel appearing for the objector i.e. Dipika Neelkamal Jaiswal took time to take instructions in the matter. Today, it is reported that the said Dipika Neelkamal Jaiswal intends to change her Advocate and she has not given any instructions in the matter.

6. This Court is of the opinion that even if the properties were to devolve upon the heirs without

reference to the Will in question, each one of them would get $\frac{1}{4}^{\text{th}}$ share and therefore, considering the urgency projected on behalf of the applicant with reference to his sister Meena Manish Shah, while keeping the present application pending, appropriate directions can be granted in respect of fixed deposits, details of which are given in paragraph no. 3 of the application.

- 7. The applicant has specified the detail of four fixed deposits lying in the Mercantile Co-operative Bank Ltd. Girgaum Branch. In view of the above, ad-interim direction is issued to the Mercantile Co-operative Bank Ltd., Girgaum Branch to disburse the proceeds from the fixed deposits specified in paragraph no. 3 of the present application, $\frac{1}{4}^{\text{th}}$ each in favour of the applicant Shailesh Navnitlal Jariwala and his three sisters Shobha Navnitlal Jariwala, Meena Manish Shah and Dipika Neelkamal Jaiswal.*
- 8. The application shall be taken up for further consideration on 30/10/2023."*

2. Today, when the application is called out for hearing, the learned Counsel appearing for the Respondent / Defendant states that although his Vakalatnama is on record, the Respondent / Defendant has instructed him by WhatsApp message not to appear on her behalf.

3. Be that as it may, specific directions were already issued in paragraph no. 7 of the order dated 13th September, 2023 to the

concerned Bank i.e. Mercantile Co-operative Bank Ltd. Girgaum Branch.

4. The learned Counsel appearing for the Applicant submits that the Bank is still in the process of complying with the said direction.

5. Considering the urgency projected on behalf of the Applicant, as recorded in the order dated 13th September, 2023, the Mercantile Co-operative Bank Ltd. Girgaum Branch, is directed to proceed expeditiously in respect of the direction given in paragraph no. 7 of the order dated 13th September, 2023, quoted hereinabove.

6. The aforesaid Bank is directed to ensure that the aforementioned direction is complied with, in any case, before the next date of listing.

7. List the application for further consideration on **30th November, 2023.**

(MANISH PITALE, J.)