



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

Testamentary Petition No. 127 of 1994

Adeline Rodrigues, Administrator ..Petitioner
Vs.
Girish Nautmal Jani & Anr. .. Defendants

Ms. Adeline Rodrigues-Administrator.
Ms. Hinal Parekh i/b. Mr.Dharmesh S.Joshi for defendant no.1.
Ms.Akansha Patil i/b. Pushpa Thapa for respondent no.2.
Mr.K.A. Suryanarayanan with Rajkumar Gaikwad for Axis Bank Ltd.
Mr. K.R.Pachangane i/b. K.Holambe Patil for Shree Satkar Co-op. Credit Society.
Ms. Anita Castelino with Ms. Li Shu Fen and Mr.Siddharth Chandrashekhar i/b. Mr. Suresh Chandrashekhar for Mr. Darayus Bhathena (Legatee)
Mr. Hemant Hariyan, AGP on notice.
Mr. V.V.kadam, P.I. attached to Dadar Police Station
Mr. Bilal Ahmed Shaikh,P.I. attached to Nagpada Police Station.

CORAM : A.K. MENON, J.

DATED : 16th JANUARY, 2020.

P.C. :

Pursuant to order dt.17th December 2019 the Administrator states that she has received from Axis Bank a sum of Rs.9,44,800.50 towards unconditional reimbursement of the estate's entitlement of principal sum of the cheque which had been permitted to be encashed by Shri Satkar Co-operative Credit Society Ltd. and sum of Rs.2,89,186/- towards interest on the



said sum payable from 17th November 2014 till 23rd December 2019. This payment has been made unconditionally, a fact that learned Advocate for the Axis Bank confirms. In view of the fact that estate had recovered the amount alongwith interest, it will now be open for the law enforcement agencies to ascertain how this was permitted to be done by the said Co-operative Credit Society in the first place especially since it is the contention of the Bank that more than Five Crores of rupees have been encashed fraudulently.

2. It is submitted by the learned counsel for Axis Bank that they have also filed appropriate complaint with Economic Offences Wing. The learned Government Pleader states that police stations both at Nagpada and Dadar are also currently seized of the complaints and that the same are being investigated. In view thereof Axis Bank and the learned AGP are exempted from further appearance in the matter.

3. The sum of Rs.9,44,800.50 and 2,89,186/- shall now be invested in appropriate fixed deposit as directed in order dt.17th December, 2019. The learned Administrator states that the prayer clauses (e)(f) & (g) are not being pressed in view of the fact that entire amount has been recovered with interest. Report is accordingly disposed in the above terms.

(A.K.MENON, J.)

L.S.Panjwani. P.S.