



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

TESTAMENTARY PETITION NO. 127 OF 1994

Adeline Rodrigues ... Administrator

vs.

Girish Nautmal Jani and Anr. ... Defendants

Ms. Adeline Rodrigues Administrator.

Mr. Dharmesh Joshi for Noticee no. 1 (Mr. Gireesh N. Jani).

Mr. S. J. Khera for Gul Kriplani.

Ms. Akanksha Patil i/b, Ms. Pushpa Thapa for Respondent no. 2.

Mr. Siddharth S. Chandrashekhar i/b. Suresh Chandrashekhar for Respondent no. 7 (Darayus Bhathena).

Mr. Pravin D. Sawant, Senior Manager, Axis Bank, Byculla Branch, Mumbai.

CORAM : A.K. MENON, J.

DATED : 4th OCTOBER, 2019

P.C.

1. Pursuant to order dated 26th October, 2018 report dated 25th October, 2018 was allowed. Liberty was granted to the Administrator to apply for further directions. Thereafter certain other orders have been passed on the same report. Today the Administrator has presented her report dated 1st October, 2019 in which certain further directions have been sought. One of these directions pertain to an amount of Rs.9,44,800.50 which was subject matter of bankers cheque issued by HDFC Bank in the name of the



wife of the deceased who pre deceased the deceased. This amount formed part of the estate of which administrator is appointed. Her inquiries have revealed that the bankers cheque for Rs.9,44,800.50 was encashed and credited to the account of one Shree Satkar Co-op Credit Soc. Ltd. through their account in Axis Bank, Byculla Branch. Notice was issued to the said bank and branch which is represented today by its Senior Manager. On a query from the Court he submits that the credit society still maintains an account with Axis Bank. He is not aware of how the bankers cheque could have been credited to the said society. He seeks time to obtain instructions.

2. In the meantime the learned Administrator submits that the amendment sought in that report and other directions prayer clause (a) to (d) may be allowed. The administrator seeks leave to amend the report to incorporate a further relief by incorporating prayer clause (h) and (i).

Accordingly, I pass the following order :

- (i) The report is allowed in terms of prayer clause (a) to (d).
- (ii) Amendment is allowed to incorporate further relief by adding prayer clauses (h) and (I) to which the report makes reference.
- (iii) Till further orders Axis Bank is directed not to permit withdrawals of the amount of Rs.9,44,800.50 from any account held by Shree Satkar Co-op Credit Soc. Ltd whether the funds are held in bank account(s) or deposits maintained with any branch of Axis Bank including the Byculla Branch.



(iv) Axis bank to disclose on oath all accounts of the aforesaid credit society. Axis Bank to file affidavit by 10th October, 2019. Copy of the affidavit shall be furnished to the Administrator on or before 10th October, 2019.

(v) It will be open for the said Shree Satkar Co-op Credit Soc. Ltd. to approach this Court in the event they seek modification of this order.

(vi) Meanwhile issue notice to Shree Satkar Co-op Credit Soc. Ltd. returnable on 18th October, 2019.

(A.K. MENON,J.)