



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2319 OF 2024

1. Nirmla Zaverchand Dedhia
age 77 years, Occ. Housewife
presently residing at 2nd Floor,
Prabhu Krupa Bungalow,
Opp. Ujas Flat, Between Jain Merchant Society
& Uma Society, Near Mahalaxmi Panch
Rasta, Paldi, Ahmedabad 380007
 2. Chhaya Manoj Dedhia
Age 48 years, Occ. Housewife,
residing at Flat No. 401, 4th Floor,
Surya Tower, Nathalal Parekh Marg,
Opp. Don Bosco School, King's
Circle, Matunga, Mumbai 400019
-Petitioners

Vs.

1. The Union of India
Through its Secretary, Ministry of Finance,
167-C, North Block, North Block,
New Delhi 110001
2. The Reserve Bank of India
Central Office, S.B. S. Marg, Fort,
Mumbai 400001
3. HDFC Bank Limited
HDFC Bank Housewife
Senapati Bapat Marg, Lower Parel,
Mumbai 400013

Mr. Hitesh Solanki i/b Manoj Ashok Associates, for the Petitioners.
Mr. Dhaval Patil i/b S. K. Ashar & Co., for Respondent No.2.

Mr. Ishwar Nankani, with Mr. Huzefa Khokhawala & Karan Parmar
i/b Nankani & Associates, for Respondent No.3.
Ms. Ausha Amin, for UOI (through VC).

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 21ST FEBRUARY 2025.

P.C.:-

1) The Petitioners seek directions to the Respondents to transfer/transmit the investments of one Shri Manoj Zaverchand Dedhia, in the form of Reserve Bank of India Bonds, in the name of the Petitioners. The Petitioner No.1 is stated to be the mother of said Manoj Dedhia and the Petitioner No.2 is stated to be his wife. The Respondent No. 1 is the Union of India and the Respondent Nos. 2 and 3 are Reserve Bank of India and HDFC Bank Ltd. respectively.

2) It is the Petitioners' case that Manoj Dedhia was the 'Karta' of the Dedhia HUF. There were four members in the said family, Manoj himself, his wife and two children, namely, daughter, Drashti and son, Parth.

3) It is stated that on 22nd January 2018, Ms. Drashti took sanyas and became a Jain Sadhvi renouncing the world and taking a new name as 'Parampujya Sadhvi Shri Divyanidhishriji Maharaj Saheb'.

Similarly, on 30th January 2019, son Parth also took sanyas and took a new name 'Parampujya Muni Shri Pragyatbhushanvijayji Maharaj Saheb'. Thereafter, on 20th November 2022 even Manoj took sanyas and became a sadhu. According to the Petitioners, renouncing worldly affairs amounts to civil death of Manoj and as such, all his properties would devolve upon his other legal heirs, namely, the Petitioners.

4) It is further stated that prior to taking sanyas, Shri Manoj had sought to know the procedure of transmission of the RBI bonds to his legal heirs upon taking sanyas, from the HDFC Bank. However, the HDFC Bank did not accept sanyas as civil death and refused to record transmission of the RBI bonds to the Petitioners. Upon Manoj taking sanyas, the Petitioners, by a formal application, requested the Respondent No.3 to transfer/transmit the said bonds in their names. Some information was sought by the Respondent No.3-Bank to which the Petitioners issued a reply with the necessary information. It is the grievance of the Petitioners that till date, the Respondent No.3 failed to transfer/transmit the bonds to the Petitioners and hence, have approached this Court by filing the present Petition.

5) Mr. Dhaval Patil appeared for the Respondent No.2-RBI and Mr. Ishwar Nankani appeared for the Respondent No.3-HDFC Bank. Ms. Ausha Amin represented the Union of India.

6) At the outset, Mr. Nankani raised an objection to the maintainability of the present Petition stating that HDFC Bank is not amenable to the writ jurisdiction of this Court as the matter in issue does not relate to the discharge of any public duty of the bank, which is carrying on the commercial activity of banking. He also points to the affidavit in reply filed on behalf of the HDFC Bank containing these objections. Even on merits, he says that the Petition raises disputed and mixed question of fact and law, which cannot be adjudicated at the first instance, before the High Court in its jurisdiction under Article 226 of the Constitution of India. Mr. Nankani also states that there is no declaration of Manoj being Karta of the Dedhia HUF. So also, the date of maturity of the RBI bonds is 18th September 2026 and as per the guidelines issued by the RBI, the bonds are not transferable except in the case of natural death. He contends that there is also no succession certificate/probate submitted to the bank and above all, there is no conclusive evidence submitted

by the Petitioners to corroborate their claim that Manoj and his children have taken sanyas. Mr. Nankani thus, urges us to dismiss the Petition.

7) Mr. Hitesh Solanki representing the Petitioners takes us through various documents annexed to the Petition, which according to him prove that Shri Manoj and his children have taken sanyas, beyond doubt. He says that the HDFC Bank has not appreciated that on attaining civil death, Manoj cannot and does not have a right, title and interest in movable or immovable property. He also contends that when a person enters a religious order renouncing all the worldly affairs, his actions tantamount to civil death and it excludes him altogether from inheritance and that all property belonging to such a person, at the time of his renunciation, immediately passes on to his spiritual heirs. Learned counsel relied on the decision of the Supreme Court in the case of *Shri Krishna Singh v. Mathura Ahir and Ors.*¹ Mr. Hitesh Solanki thus, prays that the Petition be allowed.

8) We have heard the counsels of all the parties and perused the record with their assistance. Admittedly, the question whether the

¹ (1981) 3 SCC 689

said Manoj and his children have taken sanyas and renounced the world is a mixed question of fact and law. The Petitioners have placed on record an invitation card of the Sanyas ceremony of Shri Manoj; photographs of ceremony; an affidavit purported to have been affirmed by Mr. Manoj stating his 'No Objection' to the names of the Petitioners to be entered as 'Holders' of the RBI bonds, etc. All these documents are photocopies. The Respondents have not recognized these documents as proof of Manoj taking sanyas. In these circumstances, the issue as to whether said Manoj and his children, i.e., his other legal heirs have taken sanyas is a mixed question of facts and law. In the case of *Teesta Chatteraj v. Union of India*², the Delhi High Court referring to a decision in *Baldeo Prasad v. Arya Pratinidhi Sabha*³, observed that the mere fact that a person declares that he has become a sanyasi or that he has described himself as such, or, wears clothes ordinarily worn by sanyasis would not make him a sanyasi. He must not only retire from the worldly interests and become dead to the world, but to attain this he must perform necessary ceremonies without which renunciation will not complete. This Court in its writ jurisdiction under Article 226 of the Constitution of India at the first

2 Writ Petition (C) No.2888 of 2011 decided on 30.03.2012

3 AIR 1930 ALL 643

instance will not enter the arena of disputed claims between the parties. The Petitioners have other efficacious and appropriate remedy before appropriate forum/Court to adjudicate the disputed claims. Hence, we are not inclined to entertain this controversy. We have also perused the decision in *Krishna Singh (Supra)* relied upon by the Petitioner. The said case traveled upto the Supreme Court from the civil Court where the plaintiff in that Petition had sought a declaration of title and possession of property of the Respondent and the question that arose in that matter was whether the a *Sudra* could be ordained to a religious order and became a sanyasi to be installed as a Mahant of the Garwaghat Math. The decision of the said case is not applicable to the facts in the present case.

9) In view of the aforesaid discussion, the Petition is dismissed. It would however, be open for the Petitioner to have recourse to appropriate civil remedy before the appropriate Court/Forum in relation to their grievance, which they have agitated in this Petition. The Petitioners are also not precluded from taking recourse to any action as may be permissible in law.

10) The Petition is accordingly disposed off.

11) Needless to state, that we have not gone into the merits of the claim of the Petitioners as raised in the Petition and as such, all contentions of all the parties are kept open in this regard.

12) All parties to act on an authenticated copy of this order.

(DR. NEELA GOKHALE, J.)

(REVATI MOHITE DERE, J.)

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signed by
SHAMBHAVI
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