

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12925 OF 2024

[SR.NO.10]

SATISH
RAMCHANDRA
SANGAR

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Date: 2024.12.09
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ICICI Bank Ltd.

...Petitioner

V/s.

Subhashchandra Baburao More

...Respondent

Mr.Yashesh Kamdar a/w Mr.Mayur Bhojwani, Ms.Dhamini Nagpal and Mr.Chaitanya Kejriwal i/b. Manilal Kher Ambalal and Company:-	Advocates for Petitioner.
Mr.Sarang S. Aradhye a/w Ms.Gauri Velankar and Mr.Shantanu Kothavade:-	Advocates for Respondent.

WITH
WRIT PETITION NO.13922 OF 2024
[SR.NO.12]

ICICI Bank Ltd.

...Petitioner

V/s.

Vijay Sadashiv Deshpande

...Respondent

WITH
WRIT PETITION NO.13979 OF 2024
[SR.NO.13]

ICICI Bank Ltd.

...Petitioner

V/s.

Rajiv Manohar Gurjar

...Respondent

WITH
WRIT PETITION NO.14322 OF 2024
[SR.NO.15]

ICICI Bank Ltd.

...Petitioner

V/s.

Satish Devchand Mehta

...Respondent

WITH
WRIT PETITION NO.14387 OF 2024
[SR.NO.16]

ICICI Bank Ltd.

...Petitioner

V/s.

Anil Dattatray Nadgouda

...Respondent

WITH
WRIT PETITION NO.14388 OF 2024
[SR.NO.17]

ICICI Bank Ltd.

...Petitioner

V/s.

Ramesh Subrao Jadhav

...Respondent

WITH
WRIT PETITION NO.14734 OF 2024
[SR.NO.19]

ICICI Bank Ltd.

...Petitioner

V/s.

Shridhar Gundurao Kulkarni

...Respondent

WITH
WRIT PETITION NO.14735 OF 2024
[SR.NO.20]

ICICI Bank Ltd.

...Petitioner

V/s.

Ajit Dhanpal Shirguppe

...Respondent

WITH
WRIT PETITION NO.14895 OF 2024
[SR.NO.21]

ICICI Bank Ltd.

...Petitioner

V/s.

Prakash Krishnarao Jorapur

...Respondent

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Mr.Mayur Bhojwani, Ms.Dhamini Nagpal and Mr.Chaitanya Kejriwal i/b. Manilal Kher Ambalal and Company:-	Advocates for Petitioner.
Mr.Sarang S. Aradhye a/w Ms.Gauri Velankar, Mr.Shantanu Kothavade and Ms.Shruti Kothavade:-	Advocates for Respondent.

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CORAM : S. M. MODAK, J.

DATE : 25th NOVEMBER 2024

P. C. :-

1. Heard learned Advocate for the Petitioner – ICICI Bank / sole Defendant and learned Advocate Shri.Aradhya for the Respondent-Plaintiff.
2. This is a suit for declaration about entitlement to pension. The Respondent, first of all, asked the Bank to produce six (6) original documents. In case of failure, permission was asked to rely upon the secondary evidence. This is as per the Application dated 27th April 2023. (Page No.179). This Application was allowed on 6th March 2023. (Page No.177). Admittedly, the Bank has not produced those six (6) documents.
3. In order to prove the contents, the Plaintiff has requested the trial Court to issue summons to one T.K.Shrirang, an Officer of ICICI Bank. The Application is on Page No.182. It is in respect of the two (2) letters at Sr.Nos.5 and 6 of the list of documents. They were signed by the Officer Mr.Shashi Kaushik and Mr.Nirmal Jain. They were the erstwhile employees of the Bank. Now, they have retired. That is why, presence of Mr.Shrirang was called. It was allowed as per the order dated 21st July 2023. (Page No.72).
4. According to the Petitioner, in fact, these two letters are in respect of merger of Bank of Rajasthan with ICICI Bank and it has

nothing to do with the dispute involved in between the employees of erstwhile Sangli Bank with ICICI Bank. One more contention is raised that both these documents are admitted as per the purshis filed on Page No.248. The relevant paragraph is Para No.5. (Page No.250).

5. The contention is, in view of the admission, there was no need for the Plaintiff to insist upon issuance of summons to witness Shrirang. There is a plea of existence and contents also taken in Para No.5. However, submission is made, this issue can be gone into by the trial Court when the suit will be heard finally. Reliance is also placed on the observations in the judgment of ***Mr.Vivek Vishnu Dixit and Ors. V/s. The Reserve Bank of India and Ors.***¹ (Pg.No.84:Para Nos.12&13).

6. Further contention is raised that the Plaintiff-Applicant relied upon the documents of the Defendants but he has to stand on his own legs. Learned Advocate for the Petitioner wants to rely upon few of the judgments. He can do so by supplying copy to other side.

7. The Petitioner wants to file rejoinder. Affidavit-in-Reply is filed in this Petition. Because in Affidavit-in-Reply certainly contentions about merits are taken. He can do so by giving copy to other side.

8. The Respondent is at liberty to adopt the same in other Petitions.

¹ Writ Petition No.8082 of 2012 : Bombay High Court : 16th December 2016

9. Stand over to **17th December 2024**. To be listed “**First on Board**”.

[S. M. MODAK, J.]