

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12836 of 2025
WITH
FIRST APPEAL NO. 1723 OF 2025

Deepak Navnitlal Panchal
V/S
State Bank Of India Thr. Its
Branch Manager And Ors.

....Appellant/ Applicant

....Respondents

Mr. Kunal Bhanage i/b. Mr. Vikas Pandey for the Applicant.
Mr. Reshant Shah a/w. Ms. Reema Sahani i/b Lex Conseiller for Respondent
Nos. 6 & 7 present.

CORAM : M. M. SATHAYE, J.

DATED : 11th NOVEMBER 2025

P.C.:

1. Heard learned counsel for the Appellant / Applicant and learned counsel for Respondent Nos. 6 and 7.

2. The appeal is filed by plaintiff challenging the Judgment and Order dated 19.05.2025 passed by the City Civil Court, Mumbai in Suit No. 1074 of 2025. A bare perusal of the impugned order shows that at the stage of *ad interim* relief, pending application as well as suit is disposed of.

3. The parties are closely related, in as much as, Plaintiff is real Brother of Defendant Nos. 6 and 7. The dispute is over various amounts lying with Respondent Nos. 1 to 5 belonging to the father of the parties - late Shri

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Navnit Narottam Panchal. It appears that the suit and pending application is disposed of even without written statement being filed by Defendant Nos. 6 and 7.

4. However, the relationship between the parties is not disputed.

5. Learned counsel for the Appellant submits that Respondent Nos. 1 to 5 must be directed to disclose as to what were the investments of late Navnit Narottam Panchal with them. He submits that the Trial Court has simply directed Defendant Nos. 6 and 7 to disclose the amount received by them as a nominee of the deceased. He submits that the proceedings of the testamentary petition could not be traced.

6. Learned counsel for the Respondent No. 6 and 7 on the other hand, submitted that the testamentary petition is lodged by e-filing and Respondent Nos. 6 and 7 are ready to file disclosure of an amount received as nominee as directed under impugned order.

7. Apparently, the suit has been disposed of at *ad-interim* stage and the contentions of parties on merits, including the objections orally raised by the Respondent No. 6 and 7, have not been considered. In order to avoid causing prejudice to either party, this Court is refraining from commenting on the objections raised by Respondent No. 6 and 7.

8. At this stage, in order to ascertain the investments of late Navnit Narottam Panchal, **issue notice of final disposal** to Respondents returnable **two weeks**. In addition to the court-notice, private notice is permitted. Learned Counsel for Respondent Nos. 6 and 7 waives service.

9. In the meantime, Respondent Nos. 6 and 7 are directed to file

disclosure affidavit in this Court, as per Clause 3 of the impugned order.

(M. M. SATHAYE, J.)