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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1886 OF 2025
IN
FIRST APPEAL (ST) NO. 5261 OF 2025**

Mukesh Hiralal Mehta ...Applicant/Appellant
Versus
Daksha Ajay Khatlawala and Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 1882 OF 2025
WITH
FIRST APPEAL (ST) NO. 5269 OF 2025**

Harish Hiralal Mehta ...Applicant/Appellant
Versus
Daksha Ajay Khatlawala and Anr. ...Respondents

Mr. Shrikrishna Ganbavale a/w Mr. Ashok Dhanuka, Mr. Nikhil Sonar, Mr. Prashant Pandey, Mr. A. Dave i/b W3Legal LLP for the Applicant/Appellant.
Mr. Prashant Chavan, Sr. Advocate a/w. Mr. Nirav Shah, Ms Niharika Singh i/b Little and Co. for Respondent Nos. 1 and 2.
Mr. Anant Shinde for proposed Respondent No.3/Bank.

CORAM : M. M. SATHAYE, J.

DATED : 5th AUGUST 2025

P.C.:

1. These Applications are filed by the original defendants in summary Suit, against whom monetary decrees are passed which are under challenge in the present appeals.

2. Undisputedly the subject matter flats were mortgaged with the

proposed Respondent No. 3 (Bank of Baroda), which by following procedure under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, has already sold the said flats in auction and after adjusting the amount recoverable by the Bank (a figure which according to the Bank is recoverable), remaining amount is kept in a fixed deposit. Apparently, there is dispute about the amount actually recoverable for which the Appellants - original borrowers have raised dispute.

3. On last date (29/07/2025), proposed Respondent No. 3-Bank was directed file affidavit giving statement of accounts.
4. The Applicants and the Respondents/Plaintiff (private parties) have settled the dispute and are ready to file minutes of order.
5. Considering that the amount realized by the sale of the subject matter flats is with the Respondent No. 3 – Bank, it is both necessary and proper party in the present Appeals.
6. In that view of the matter, the Applications are allowed and proposed Respondent No. 3 – Bank is permitted to be added in Appeals and pending interim applications. Amendment to be carried out during the Course of the day. Learned Counsel for the Respondent No. 3 – Bank waives service.
7. Both the Applications are disposed of in above terms.

(M. M. SATHAYE, J.)