

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.3573 OF 2024
IN
SUIT NO.1215 OF 2019
WITH
SUIT NO.1215 OF 2019
WITH
INTERIM APPLICATION NO.3315 OF 2021
IN
SUIT NO.1215 OF 2019
WITH
INTERIM APPLICATION NO.1326 OF 2018
IN
SUIT NO.1215 OF 2019
WITH
IPA (L) NO.9772 OF 2020
IN
SUIT NO.1215 OF 2019

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Jitendra Gorakh Megh	..	Applicant.
In the matter between Jitendra Gorakh Megh v/s. Gorakh Govind Megh & Another	..	Plaintiff. Defendants.

Mr. Jitendra Gorakh Megh, Plaintiff-in-person.
Adv. Eesha Jaifalkar i/b. Adv. S. R. Page, for the Defendants.

CORAM: FIRDOSH P. POONIWALLA,J.
DATE : 6th NOVEMBER, 2025.

P C:-

1 This Interim Application has been filed seeking issuance of Witness Summons to the Manager/ Authorized Officer, Union Bank of India (formerly Andhra Bank), Juhu Vile Parle Branch, Surekha Building, A/5, Model Town CHS Ltd., Gulmohar Road, JVPD, Mumbai 400 049 and to the State of Maharashtra through Principal Secretary, General Administration Department, Mantralaya, Mumbai to appear before this Court and produce the documents as mentioned in the Interim Application.

2 As far as issuance of Witness Summons to the Manager/ Authorized Officer of the Union Bank of India is concerned, the same is sought to produce the following documents:-

“(i) Original account opening form with account holders’ details and KYC documents for HUF account A/c. No. 059310011004614 titled “Gorakh Megh (HUF)”.

(ii) Certified copies of account statements for HUF account A/c. No.059310011004614 from 1st March, 2000 to 9th August, 2008.

(iii) Certified copies of statements for Current Account No.COD 503 of Gorakh Megh, Defendant No.1 from its opening till closure, which is attached/ connected to the Gorakh Megh (HUF) account.”

3 It is the case of the Plaintiff that these bank statements are necessary for adjudicating the present suit as they would establish the management and financial transactions of the ancestral coparcenary made by Defendant No.1 and whether the funds have been used for the benefit of the co-parceners. It is also the case of the Plaintiff that, in their

Statement of Admission and Denial, these documents had been denied by the Defendants.

4 The learned Counsel for the Defendants objects to the issuance of the Witness Summons on the ground that the issuance is by way of a fishing inquiry and only to delay the proceedings.

5 In my view, the Plaintiff is right in submitting that the documents of which production is sought by him from the Bank would be relevant and necessary for the present suit, which is a partition suit relating to the HUF. Therefore, in these circumstances, I am inclined to issue witness summons to the Manager/ Authorized Officer, Union Bank of India to produce the said documents.

6 As far as the issuance of summons to the State of Maharashtra through Principal Secretary, General Administration Department, Mantralaya, Mumbai, for providing certified copies of the Anti Corruption Bureau Open Inquiry Report and related documents is concerned, in my view, the same would have no relevance to the present Suit. Allowing production of such documents would amount to a fishing inquiry, which is not permissible in law. Therefore, in these circumstances, I am not inclined to issue witness summons to the State of Maharashtra, as sought for.

7 Accordingly, the following order is passed:-

- (a) Witness Summons be issued to the Manager/ Authorized Officer, Union Bank of India (formerly Andhra Bank), Juhu Vile Parle Branch, Surekha Building, A/5, Model Town CHS Ltd., Gulmohar

Road, JVPD, Mumbai 400 049 to produce the following documents in this Court on 1st December, 2025 :-

“(i) Original account opening form with account holders’ details and KYC documents for HUF account A/c. No. 059310011004614 titled “Gorakh Megh (HUF)”.

“(ii) Certified copies of account statements for HUF account A/c. No.059310011004614 from 1st March, 2000 to 9th August, 2008.

“(iii) Certified copies of statements for Current Account No.COD 503 of Gorakh Megh, Defendant No.1 from its opening till closure, which is attached/ connected to the Gorakh Megh (HUF) account.”

- (b) The witness’s bhatta charges shall be borne by the Plaintiff.
- (c) The Interim Application is disposed of in the aforesaid terms.
There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)