

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.99 OF 2025
IN
INTERIM APPLICATION NO.1736 OF 2023
IN
SUIT NO.181 OF 2023

Farid Abdul Mohammed Merchant & Anr. .. Appellant

Versus

Nina Anwar Merchant & Ors. .. Respondents

WITH

INTERIM APPLICATION NO.6490 OF 2025
IN
APPEAL NO.99 OF 2025
IN
INTERIM APPLICATION NO.1736 OF 2023
IN
SUIT NO.181 OF 2023

Farid Abdul Mohammed Merchant .. Applicant

IN THE MATTER BETWEEN :

Farid Abdul Mohammed Merchant & Anr. .. Appellants

Versus

Nina Anwar Merchant & Ors. .. Respondents

Mr. Pratik K. Shah , *Advocates for the Appellant/Applicant.*

***Mr. Rohan Sawant a/w Mr. Agam Mehta, Mr. Aman Saraf
a/w Ms. Vishakha Chokhani i/b. Jayakar and Partners,
Advocates for the Respondent No.1.***

**CORAM: B. P. COLABAWALLA &
AMIT S. JAMSANDEKAR, JJ.**

DATE: NOVEMBER 14, 2025

P. C.

1. The above Appeal is filed by the original Defendant No.10 seeking to challenge the order dated 23rd September 2024 passed by the learned Single Judge of this Court. The challenge is laid to the impugned order insofar as it directs Defendant No.10 to bring back the amount of Rs.3.5 Crores deposited with DCB Bank and ICICI Bank Limited along with interest accrued thereon till the date of liquidation, and deposit the same in this Court within a period of four weeks from 23rd September 2024.

2. As to why Defendant No.10 has been directed to deposit this amount, the discussion of the learned Single Judge can be found from paragraph 35 onwards of the impugned order. The learned Single Judge noted that the testatrix was entitled to a property in Panvel and which was sold by her. The sale proceeds thereof (approximately Rs.6 Crores) were deposited in the bank account jointly held by the testatrix and Defendant No.10. After the death of the testatrix, Defendant No.10 contended that he is exclusively entitled to the amount in the said account. This contention of

Defendant No.10 was negated by the learned Single Judge, not only on the facts, but also considering the law on the subject.

3. We need not burden this judgment with the law already discussed by the learned Single Judge in the impugned order. Suffice it to state that we are in full agreement with the finding given by the learned Single Judge on this aspect. We, therefore, do not find anything wrong in Defendant No.10 being directed to deposit in this Court the amount of Rs.3.5 Crores lying in Fixed Deposits with DCB Bank and ICICI Bank Limited along with interest accrued thereon till the date of liquidation of the said Fixed Deposits. We find that this direction has been passed because an amount of Rs.5.80 Crores was withdrawn from the said joint bank account of the testatrix by Defendant No.10 shortly after the demise of the testatrix. The balance left in the said bank account was only of Rs.6,66,785.75. It appears that the FDs with DCB Bank and ICICI Bank Limited have been created from the amounts withdrawn by Defendant No.10 from the said joint bank account. Therefore, we find that the learned Single Judge was fully justified in directing Defendant No.10 to deposit the amount of Rs.3.5 Crores (along with the accrued interest) in this Court.

4. We, accordingly, direct Defendant No.10 to comply with the

directions given by the learned Single Judge regarding the deposit of Rs.3.5 Crores [along with accrued interest] in this Court within a period of two weeks from today. We make it clear to Defendant No.10 (the Appellant herein) that if these directions are not complied with, we will not hesitate to haul him up for contempt and send him to jail.

5. The above Appeal is accordingly dismissed as it lacks merit. In light of the dismissal of the above Appeal, nothing survives in the above Interim Application and the same is disposed of accordingly.

6. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[AMIT S. JAMSANDEKAR , J.]

[B. P. COLABAWALLA, J.]