

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1723 OF 2025
WITH
INTERIM APPLICATION NO.10794 OF 2025
WITH
INTERIM APPLICATION NO.12836 OF 2025

Deepak Navnitlal Panchal

...Appellant

Versus

State Bank of India and Others

...Respondents

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Mr. Kunal Bhanage i/b. Mr. Vikas Pandey, for the Appellant.
Mr. Reshant Shah i/b. Lex Conseiller, for Respondent Nos. 6 and 7.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : JANUARY 22, 2026

P. C. :

1. The Appeal challenges the order of 19th May, 2025 passed by the Vacation Court of the City Civil Court in Special Civil Suit No. 1074 of 2025 disposing of the Suit with liberty to initiate appropriate proceedings for obtaining succession certificate and with certain other directions. The matter was listed before the City Civil Court for seeking ad-interim relief in terms of draft Notice of Motion. Learned counsel for the parties are ad-idem that the interim application and suit could not have been disposed of at this stage. It is jointly stated that the Suit

and Interim Applications be restored to file of City Civil Court.

2. In view of the consensus arrived between the parties, clause (5) of the order dated 19th May, 2025 is quashed and set aside. The interim applications and the Suit is restored to the file of City Civil Court for consideration afresh.

3. The impugned order records the submissions of learned Advocate for Defendant Nos. 6 and 7, that Defendant Nos. 6 and 7 without prejudice to the legal rights of the Defendant Nos. 6 and 7 are ready to file an undertaking that the amount received till date and the amount which will be received by them from Defendant Nos. 1 to 5 will not be withdrawn or used by them till disposal of the Testamentary Petition.

4. Learned counsel for the Appellant submits that now a communication has been received for Advocate of Defendant Nos. 6 and 7 that they are not continuing with the undertaking and the Testamentary Petition will not be pursued by Defendant Nos. 6 and 7.

5. During the pendency of the proceedings, the undertaking given by the Defendant Nos. 6 and 7 was continuing. As the Suit and the pending application restored to the file of City Civil Court. The undertaking for Defendant Nos. 6 and 7 to continue for a period of eight weeks. The parties to appear before the City Civil Court on 27th January, 2026 at 11.00 am with the copy of this order.

6. The period of eight weeks to commence from 27th January, 2026. The Plaintiff to obtain necessary further reliefs from the trial Court in the pending applications.
7. Needless to clarify that the Interim Application and the relief is to be considered by the City Civil Court on its own merits and uninfluenced by the extension of the undertaking by this Court for a period of eight weeks.
8. First Appeal is disposed of in above terms.
9. Interim Application does not survive for consideration and stands disposed of.

[SHARMILA U. DESHMUKH, J.]