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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 134/2022

SEEMA KHANNA Plaintiff
Through: Mr. Pawan Mathur, Advocate.

versus

UNION BANK OF INDIA & ORS. Defendants
Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **08.03.2022**

I.A. No. 3728/2022 (u/s 148 of CPC)

1. Subject to the payment of the deficient Court Fees within two weeks from today, the application is allowed.

I.As . No. 3730/2022 & 3731/2022 (both for exemption)

2. Subject to the plaintiff filing the clear, legible and original copies of the documents relied upon within four weeks from today, exemption is granted for the present.

3. The applications are disposed of.

CS(OS) 134/2022

4. Let the plaint be registered as a suit.

5. Issue summons in the suit through all modes. The written statement(s) shall be filed within thirty days from the receipt of summons. Along with the written statement(s), the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff.

6. Liberty is granted to the plaintiff to file replication(s) to the written



statement(s) within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiff.

7. List before the Joint Registrar on 28th April, 2022 for completion of service and pleadings.

8. List before the Court on 10th May, 2022.

I.A. No. 3729/2022 (u/O-XXXIX R-1 & 2 of CPC)

9. The present suit has been filed seeking permanent injunction against the non-applicants/defendants no. 1 and 2 from releasing the amounts of the Fixed Deposits and the Savings Bank Accounts of Sh. Rajesh Kumar Khanna, the late husband of the applicant/plaintiff, who expired intestate on 17th January, 2022.

10. It is stated that the nominee in respect of the aforesaid Fixed Deposits is the defendant no. 3, being the step-mother of the applicant/plaintiff's late husband, who is seeking to withdraw the aforesaid amounts of the Fixed Deposits and Savings Bank Accounts.

11. Issue Notice to the non-applicants/defendants through all modes.

12. Reply be filed within four weeks.

13. Rejoinder thereto, if any, be filed within two weeks thereafter.

14. *Prima facie*, a case is made out in favour of the applicant/plaintiff. Balance of convenience is in favour of the applicant/plaintiff and irreparable harm and injury would be caused to the applicant/plaintiff if the said amounts are released in favour of the non-applicants/defendants no. 3 and 4.

15. Consequently till the next date of hearing, the non-applicants/defendants no. 1 and 2 are restrained from releasing, in favour of



the non-applicants/defendants no. 3 and 4, the amounts lying in:

- a) Savings Bank Account No. 355702011690353 in the name of Shri Rajesh Kumar Khanna;
- b) Savings Bank Account No. 355702010045864 in the name of Shri Rajesh Kumar Khanna;
- c) Fixed Deposit Accounts as detailed hereunder:
 - i. Fixed Deposit Account No. 355703031199336
For Rs.25,00,000/- dated 06.04.2021
 - ii. Fixed Deposit Account No. 355703031199337
For Rs.10,00,000/- dated 06.04.2021
 - iii. Fixed Deposit Account No. 355703031199338
For Rs.2,00,000/- dated 06.04.2021
 - iv. Fixed Deposit Account No. 355703031199553
For Rs.1,60,000/- dated 30.07.2021
 - v. Fixed Deposit Account No. 355703031198684
For Rs.50,000/- dated 02.06.2020
Nominee: Saroj Khanna
 - vi. Fixed Deposit Account No. 355703031198724
For Rs.20,000/- dated 02.06.2020
Nominee: Saroj Khanna
 - vii. Fixed Deposit Account No. 355703031199226
For Rs.6,00,000/- dated 20.02.2021
Nominee: Saroj Khanna
 - viii. Fixed Deposit Account No. 355703031199310
For Rs.25,00,000/- dated 30.03.2021
Nominee: Saroj Khanna



ix. Fixed Deposit Account No. 355703031199312

For Rs.5,00,000/- dated 30.03.2021

Nominee: Saroj Khanna

x. Fixed Deposit Account No. 355703031199313

For Rs.10,00,000/- dated 30.03.2021

Nominee: Saroj Khanna.

16. List before the Joint Registrar on 28th April, 2022 for completion of service and pleadings.

17. List before the Court on 10th May, 2022.

I.A. No. 3732/2022 (for directions)

18. Issue notice.

19. Notice be issued to the non-applicant/defendants through all modes.

20. Reply be filed within four weeks.

21. Rejoinder thereto, if any, be filed within two weeks thereafter.

22. List before the Joint Registrar on 28th April, 2022 for completion of service and pleadings.

23. List on 10th May, 2022.

AMIT BANSAL, J

MARCH 8, 2022

Sakshi R.