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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(OS) 185/2021

MASTER ARMAAN GULATI (MINOR) & ANR. Plaintiffs
Through: Mr. R.Y.Kalia, Adv.

versus

GEETA GULATI, ALIAS SWARAN KANTA & ORS.

..... Defendants

Through: Mr.Mohit Bakshi, Mr.Mohit Gupta, Ms.Meenakshi Garg, Adv. for D-1 & 3.
Mr.Aditya Chauhan proxy counsel for Mr.Ankit Jain, Adv. for D-2.
Mr.L.R.Goyal, Adv. for D-5.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

07.02.2023

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I.A. 14965/2021

1. This application has been filed by the defendant nos.1 and 3 praying for the following directions.

“a). Issue directions to the plaintiffs to deposit Rs.29,85,000/- (Rupees Twenty Nine Lakhs Eighty Five Thousand Only) withdrawn from the Axis Bank Account No.920020020037809974 held in the name of M/s Ad-Spots.

b) Issue directions to the Plaintiffs to disclose on affidavit the details of entire moveable assets including the gold and diamond ornaments in her possession from the date of her marriage till date.”

2. The learned counsel for the plaintiffs/non-applicants admits that an amount of Rs.29,85,000/- was withdrawn from the Axis Bank account given hereinabove and deposited into another account. He, however, submits that the said amount has been used for paying the



dues of the deceased Mr. Mayan Ganti.

3. The plaintiffs shall file on affidavit the complete account of the amount received from the bank accounts of the deceased and its utilization alongwith supporting documents. Such affidavit shall be filed within a period of four weeks from today.

4. Further direction with regard to the amount received/withdrawn by the plaintiffs from the account of the deceased shall be passed on the perusal of the said affidavit.

5. As far as the direction prayed for in prayer 'b' is concerned, in my opinion, the same cannot be granted at the present stage. The same shall be considered on hearing of the suit.

6. The application is disposed of in the above terms.

I.A. 14966/2021

7. This application, though has been filed for seeking production of the various documents, the learned counsel for the defendant nos.1 and 3 confines his prayer to the direction to the plaintiffs to produce on record the original property documents of property at DLF-Gurugram and Noida, details whereof have been mentioned in the paragraph 26 of the plaint.

8. The learned counsel for the plaintiffs does not deny being in custody of the original documents in relation to the properties mentioned in the paragraph 26 of the plaint situated at DLF-Gurugram and Noida. He submits that the plaintiffs shall maintain *status quo* with respect to the title and possession of the said properties and shall not create any third-party interest based on these documents or otherwise, till further orders from this Court. He further submits that the photocopies of these documents have already been filed before this Court and the original thereof shall be produced before this Court as and when directed by this Court.

9. In my view, the above statement sufficiently protects the



interest of the defendant no. 1 and 3 that such documents shall not be misused by the plaintiffs.

10. In view of the above statement and binding the plaintiffs to the same, the present application is disposed of.

I.A. 14967/2021

11. This application has been filed by the defendant nos.1 and 3 praying for initiation of the proceedings under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 against the plaintiff no.2.

12. It is alleged that in spite of the order dated 12.02.2021 passed by the learned Single Judge of this Court in WP(Crl.) 322/2021, titled **Smt. Geeta Gulati v. State & Ors.**, the plaintiffs have trespassed into the ground floor of the property bearing D-27, Mansarovar Garden, New Delhi.

13. The learned counsel for the plaintiffs submits that the said order being referred by the defendants was passed *ex-parte*. The plaintiffs have always been in possession of the ground floor of the property. He submits that, in fact, the property has been constructed at a duplex, wherein no separate portion can be demarked or segregated for the ground floor and the first floor; both form one complete unit. It has only one kitchenette at the ground floor. He requests that this position can also be ascertained by appointing a Local Commissioner to visit the property.

14. The learned counsel for the defendant nos.1 and 3/applicants at this stage does not dispute the submissions made by the learned counsel for the plaintiffs. He does not dispute that there is only one kitchenette in the entire property.

15. In view of the above, I find that the present application has been filed as an abuse of the process of the Court. I find no merit in the present application. The same is dismissed.



CS(OS) 185/2021 & I.A. 4584/2021, 4686/2021, 4687/2021, 10604/2021, 14969/2021, 676/2022, 1769/2022

16. List for hearing on 18th May, 2023.

NAVIN CHAWLA, J

FEBRUARY 7, 2023/Arya