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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. Kaliya, Advocate.**

versus

**GEETA GULATI, ALIAS
SWARAN KANTA & ORS.**

..... Defendants

Through: **Mr. Vishal Saxena, Advocate for D-1
&3
Mr. Abhay Pratap Singh and Ms.
Sunaina bhatia, Advocate for D-2.
Mr. Lovleen Goyal, Advocate for D-5
Axis Bank**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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11.02.2022

[VIA VIDEO CONFERENCING]

CS(OS) 185/2021

1. Counsels for the parties submit that the parties are trying to settle the matter before the Delhi High Court Mediation and Conciliation Centre.
2. List on 22nd April, 2022.

I.A. No. 4684/2021 (O-XXVI R-9 of CPC)

3. This application has been filed on behalf of the applicants/plaintiffs under Order XXVI Rule 9 of the Code of Civil Procedure, 1908 (CPC) seeking appointment of a Local Commissioner to open the following lockers in the name of the deceased husband of the plaintiff no.2, namely Sh.



Mayank Gulati:

- (i) Locker No.216 in Axis Bank, Mansarovar Garden branch, New Delhi.
 - (ii) Locker No.166 in Axis Bank, Mansarovar Garden branch, New Delhi.
4. Counsel for the applicants/plaintiffs submits that an inventory of the belongings lying in the aforesaid lockers are necessary to facilitate the mediation process that is going on between the parties.
5. No replies have been filed on behalf of the defendants to the said application.
6. Counsels for the parties submit that the keys in respect of the aforesaid two lockers are not in the possession of any of the parties.
7. In my view, no prejudice would be caused to any parties if an inventory is made in the presence of a Local Commissioner of the belongings lying in the aforesaid two lockers, which were admittedly in the name of the deceased husband of plaintiff no.2.
8. In view of the above, Mr. R. K. Gupta, Deputy Registrar, High Court of Delhi (Mobile No.9871890458) is appointed as a Local Commissioner to visit the Axis Bank, Mansarovar Garden Branch, New Delhi.
9. The following directions are being passed in this regard:
- I. Local Commissioner shall prepare an inventory and take photographs of the belongings in the aforesaid two lockers.
 - II. Local Commissioner shall also take the photographs of the register maintained by the Bank in respect of the said lockers from 28th December, 2020, the date when the husband of the plaintiff expired, till the date of execution of the commission.



- III. The commission shall be executed in the presence of the plaintiffs and/or their authorised representatives/advocates or defendants' advocates/authorised representatives.
- IV. In the event the keys of the aforesaid two lockers are not available with the parties or the said Bank, the Manager of the said Bank will facilitate the opening of the said lockers, even if that is done by breaking open the locks.
- V. Fees of the Local Commissioner is fixed at Rs.50,000/- plus out of pocket expenses and shall be borne by the plaintiffs.
- VI. Local Commissioner to file his report two days after execution of the commission.

I.A. No. 1769/2022 (u/s-45 & 73 of Indian Evidence Act)

10. Counsel for the non-applicants/defendants no. 1 and 3 seeks time to file reply.
11. Let reply be filed within three weeks. Rejoinder, if any, before the next date of hearing.
12. List on 22nd April, 2022.

I.A. No. 676/2022 (O-XI R-12, 13 & 14 of CPC)

13. Issue Notice.
14. Notice is accepted by the counsels on behalf of non-applicants/defendants no. 1, 2 and 3.
15. Reply be filed within 3 weeks.
16. List on 22nd April, 2022.

AMIT BANSAL, J

FEBRUARY 11, 2022

Sakshi R.