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

+ **CS(OS) 318/2023 & I.A. 9745/2023**

RAJIV NARULA

.....Plaintiff

Through: Mr. Rakesh Talukdar and Mr. Ashray
Chopra, Advocates

versus

SUMITRA NARULA & ORS.

.....Defendants

Through: Mr. B. Mehra, Mr. Kartik Kr.
Aggarwal, Advocates for D-1 to D-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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12.08.2024

1. The defendant nos. 2 and 3 are personally present in Court and state that the Demand Draft no. 722778 dated 15.02.2020 for a sum of Rs. 23,29,000/- alleged to have been drawn by the plaintiff in favour of defendant no. 1 is not traceable in the banking account of the said defendant. They state that defendant no. 1 is not aware about the details of the bank account in which the said demand draft was credited.
2. Learned counsel for the plaintiff states that since the Demand Draft was issued by Federal Bank, which is the banker to the plaintiff, the plaintiff will approach the concerned Branch Manager of Federal Bank to obtain the details of the bank account to which the demand draft no. 722778 dated 15.02.2020 was credited. The plaintiff is directed to file this document with respect to the bank statement within four (4) weeks.
3. He states that the plaintiff remains ready and is willing to hand over



the documents to defendant no. 1, so long as defendant nos. 1 to 3 are willing to perform their reciprocal obligations under the exchange deed dated 11.02.2020.

4. The matter is listed for framing of issues. The defendant nos. 1 to 3 have not filed their written statement. The right of defendant no. 1 to 3 to file the written statement has been closed. The following issues have been proposed by the plaintiff: -

i. Whether the plaintiff is entitled to a decree of possession against the defendant nos. 1 to 3, and to persons claiming through or under them? OPP

ii. Whether the plaintiff is entitled to a decree of permanent injunction against the defendant nos. 1 to 3, and to persons claiming through or under them? OPP

iii. Whether the plaintiff is entitled to damages against the defendants nos. 1 to 3? OPP

iv. Relief and cost.

5. The plaintiff is directed to file its list of witnesses and evidence affidavit within four (4) weeks.

6. List before Ld. Joint Registrar (J) for of recording of evidence on 21.10.2024

MANMEET PRITAM SINGH ARORA, J
AUGUST 12, 2024/rhc/AKT