



2025:DHC:9917-DB

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

+ **RFA(COMM) 136/2024**

SMT MEENAKSHI OBERG

..... APPELLANT

Through: Mr Keshav Sehgal, Adv.

Versus

SH. KARUN DUBE & ORS.

..... RESPONDENTS

Through: Mr Dinesh Monga with Ms M
Mathew and Ms Aashu Sharma,
Advs. for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

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16.04.2024

[Physical Hearing/Hybrid Hearing (as per request)]

CM Appl.22144/2024

1. Allowed, subject to the appellant filing legible copies of the annexures, at least three (03) days before the next date of hearing.

CM Appl.22143/2024

2. This is an application moved by the appellant seeking direction for summoning the trial court record.

3. The application is disposed of with a direction to the Registry to ensure that the trial court record is placed before the court, *albeit* in digitized mode, prior to the next date of hearing.

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4. This appeal is directed against the judgment and decree dated 22.12.2023 rendered by the learned District Judge (Commercial Court-02), South-East District, Saket Court, New Delhi.

4.1 The suit for recovery filed by the appellant along with respondent no.3 was dismissed *via* the impugned judgment.

5. Mr Dinesh Monga, learned counsel, who appears on behalf of respondent nos.1 & 2, does not dispute the fact that Rs.50 lakhs have been received from the mother of the appellant.

6. To be noted, respondent nos.2 and 3 are siblings of the appellant.

7. The record also shows that during the pendency of the suit, a settlement agreement dated 19.04.2023 (hereinafter referred to as “settlement”) was drawn whereby, the defendants in the underlying suit, which included respondent no.1/defendant no.1 [Mr Karun Dube] along with respondent no.2/defendant no.2 [Mr Brijesh Singh Chawhan], had agreed to pay Rs.20 lakhs to the appellant [i.e., plaintiff no.1].

8. Mr Keshav Sehgal, learned counsel, who appears on behalf of the appellant, submits that Rs.2 lakhs were paid out of the settlement by respondent nos. 1 and 2, which has later fallen through, whereupon, the matter was taken up for decision on merits.

9. The matter requires further examination.

10. Issue notice to the respondents.

10.1 Mr Dinesh Monga accepts notice on behalf of respondent nos.1 and 2.

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10.2 On steps being taken, notice shall issue to respondent no.3 via all permissible modes, including e-mail.

11. List the matter before the concerned Registrar on 27.05.2024 for completion of service.

12. List the matter before the Court 13.09.2024.

RAJIV SHAKDHER, J

GIRISH KATHPALIA, J

APRIL 16, 2024/pmc

Click here to check corrigendum, if any

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