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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 440/2023 & I.A. 13737/2023 I.A. 8891/2024 I.A. 9445/2024**
I.A. 43497/2024 I.A. 44492/2024 I.A. 44795/2024 I.A. 46881/2024

PREETI MEHRA

.....Plaintiff

Through: Mr. Karan Balraj Mehta, Advocate

versus

SUROMA BIPIN DAMANI

.....Defendant

Through: Mr. Jatin Sehgal, Ms. Devna Soni, Mr.
Ashish Garg, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **02.04.2025**

I.A. 46881/2024(Application on behalf of defendant under Section 151 CPC seeking modification of the order dated 08.11.2024)

1. This is an application filed by the defendant seeking modification of the statement of the counsel for the defendant recorded at paragraph 11 of the order dated 08.11.2024.
2. Paragraph 11 of the order reads as under and the statement which is objected to has been highlighted: -

“11. Learned counsel for the defendant states that the averment in the compliance affidavit dated 17.05.2024 with respect to the jewellery items enlisted in paragraph '6' are lying in the locker no. 423 at SBI Bank, Pune, Maharashtra is disputed. She states that as per the defendant, these articles were actually lying at locker no. 3294 and have been wrongfully removed by the plaintiff and placed in plaintiff's personal locker. She states that the personal locker of the plaintiff ought to be inspected. She states that the locker at Pune and the personal locker of the plaintiff as well should be inspected in the



presence of the Local Commissioner. **She states that defendant has not operating the Pune locker after the death of the father.**

(Emphasis supplied)

3. This application was filed on 22.11.2024 immediately after the passing of the order and in this application, defendant has clarified that she has indeed operated the locker No. 423, State Bank of India, Pune, Maharashtra in the year 2022, 2023 and 2024; the dates whereof are mentioned at paragraph 7 which reads as under: -

“7. Furthermore, the statement of the counsel of the Defendant that has been inadvertently recorded in the order dated 08.11.2024 is inaccurate and incorrect as the Defendant has operated her Locker No. 423 in SBI Bank, Pune, Maharashtra on multiple occasions including the following dates i.e. 24/03/2022, 20/05/2022, 21/06/2023, 21/07/2023, 03/10/2023, 11/12/2023 and 12/03/2024. It is submitted that the contents of Locker No. 423, Pune, SBI Bank, Pune do not have any belongings of the mother of the Defendant i.e. Late Smt. Tripti Mookerjee and the said locker has only Defendant’s personal belongings including her own *istridhan*. It is further reiterated and emphasised that the list of jewellery items stated in paragraph 6 of the compliance affidavit dated 17.05.2024 filed by the Plaintiff are not lying in Defendant’s joint Locker No. 423, SBI Bank, Pune, but in Plaintiff’s joint Locker No. 1898.”

(Emphasis supplied)

4. It is stated that recording of the said submission at paragraph 11 is therefore inadvertent and the statement of the counsel recorded was without the defendant’s instructions.

5. The application is supported by affidavit of the counsel who appeared for defendant on 08.11.2024.

6. Learned counsel for the plaintiff states that plaintiff has objection to the application being allowed.

7. This Court has perused the contents of the application.

8. Considering the fact that the application is duly supported with the



affidavit of the counsel for the defendant who appeared on 08.11.2024 and the defendant has fairly set out at paragraph '7' that she has indeed operated the account on several dates in 2022, 2023 and 2024 as well as the fact that the application was filed at the earliest on 22.11.2024; this Court finds the prayer in the application bonafide.

9. This Court deems it appropriate to permit deletion of the submission of the counsel for the defendant recorded in the last sentence at paragraph 11 of the order dated 08.11.2024. The last sentence is directed to be deleted Paragraph 11 is accordingly amended to read as under: -

“11. Learned counsel for the defendant states that the averment in the compliance affidavit dated 17.05.2024 with respect to the jewellery items enlisted in paragraph '6' are lying in the locker no. 423 at SBI Bank, Pune, Maharashtra is disputed. She states that as per the defendant, these articles were actually lying at locker no. 3294 and have been wrongfully removed by the plaintiff and placed in plaintiffs personal locker. She states that the personal locker of the plaintiff ought to be inspected. She states that the locker at Pune and the personal locker of the plaintiff as well should be inspected in the presence of the Local Commissioner.”

10. The registry and parties are directed to read order dated 08.11.2024 along with this order.

11. The application stands disposed of.

CS(OS) 440/2023

12. List for hearing on **29.08.2025**

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2025/mt/sk

Click here to check corrigendum, if any