



\$~28

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

+ **CS(OS) 440/2023**

PREETI MEHRA

.....Plaintiff

Through: Mr. Karan Balraj Mehta, Advocate

versus

SUROMA BIPIN DAMANI

.....Defendant

Through: Ms. Devna Soni (through VC) and
Ms. Yashi Bajpai, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

08.11.2024

I.A. 44492/2024 (Application on behalf of the plaintiff seeking leave of the Court to close joint accounts held by the plaintiff, defendant and their late father and to deposit the amounts before this Court)

1. This is an application filed by the plaintiff seeking directions with respect to the accounts enlisted at paragraph '10' and locker enlisted at paragraph '11'.
2. Issue notice.
3. Learned counsel for the defendant accepts notice. She states that the facts mentioned with respect to the accounts at paragraph '10' are correct.
 - 3.1 She states that, however, before these accounts are closed, the plaintiff must place on record the statement of accounts issued by the concerned banker/financial institution with effect from the date of the death of the father i.e., 28.07.2018 until the closure of the account. She states that



the said information is required to verify the withdrawals made by the plaintiff from these accounts.

3.2 She states that the locker mentioned at paragraph '11', has been wrongfully operated by the plaintiff in the absence of the defendant, during the pendency of these proceedings and therefore, any further operation of this locker by the plaintiff will prejudice the interest of the defendant.

4. This Court has considered the submission of the parties.

5. The relief sought in the application qua the accounts enlisted at paragraph (i) to (iv) of paragraph '10' is allowed on the condition that the current balance amounts lying in these accounts will be remitted to the Registrar General of this Court and the plaintiff will take all steps for placing on record the account statements of these account w.e.f. 01.07.2018 until the date of the closing of the account.

Directions qua Locker No. 3294

6. With respect to the locker no. 3294 mentioned at paragraph '11', learned counsel for the plaintiff during arguments has admitted that the plaintiff has operated the said locker during the pendency of these proceedings, in the absence of the defendant.

7. The learned counsel for the non-applicant/defendant states that the defendant is aggrieved by the plaintiff's conduct of operating the said locker during the pendency of the proceedings. She states that the plaintiff ought not to have opened the locker in the absence of the defendant and removed the articles lying there.

7.1 She states that though the plaintiff has filed an affidavit of compliance under the cover of index dated 17.05.2024 and enlisted therein at paragraph '3' articles alleged to have been removed from the said locker, it is the stand



of the defendant that this list is not accurate. She states in fact, appropriate directions ought to be issued to the plaintiff to secure these articles admittedly removed by her.

8. In reply, learned counsel for the applicant/plaintiff states that the plaintiff has no objection for placing the articles enlisted at paragraph '3' either with the registry of this Court or at any other appropriate place directed by this Court. He also states that the list furnished in the affidavit is accurate and no other item has been removed from the said locker during the pendency of the present proceedings. He states that the currently the locker is empty.

9. This Court has considered the submissions of the parties qua the locker No. 3294 and without commenting on the rival contentions of the parties with respect to the accuracy of the list of articles enlisted at paragraph '3', the plaintiff is hereby directed to place back in locker no. 3294 all the articles removed so far in the presence of a Local Commissioner. The inventory of the articles placed in the locker will be provided to the Local Commissioner and the defendant.

10. Ms. Nikita Dewan [Mobile No. 9810510044, E. No. D/3365/2018, e-mail. Id. advnikitadewan@gmail.com] is appointed as the Local Commissioner for the said purpose and for execution of the commission.

10.1 The date for operation of the locker will be between 25.11.2024 and 30.11.2024 as per the convenience of the Local Commissioner, after giving prior notice to all the parties.

10.2 After the articles have been placed back in the locker, it is hereby directed that this locker will not be operated by any party without seeking a prior leave from this Court.



10.3 The fee of the Local Commissioner is fixed at Rs. 75,000/-, which will be borne by both the parties equally.

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.

12. The plaintiff and defendant are directed to take instructions on the issue of inspection of the contents of their personal lockers before **02.12.2024**.

13. Until then, plaintiff and defendant are restrained from operating their personal lockers.

14. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 8, 2024/msh/sk

[Click here to check corrigendum, if any](#)