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

+ **CS(OS) 509/2022**

SAHIL MARWAH & ANR.

..... Plaintiffs

Through: Mr. Y.P. Narula, Senior Advocate
with Mr. Abhey Narula and Ms.
Sonal K. Chopra, Advocates.

versus

ONKAR SINGH MARWAH & ORS.

..... Defendants

Through: Mr. Joy Basu, Senior Advocate with
Mr. Kanak Bose, Mr. Varun Sarin and
Ms. Aparna Iyer, Advocates for D-1.
Mr. Karan Nagrath with Ms. Niharika
Nagrath, Advocates for D-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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31.08.2022

I.A. 13929/2022 (for exemption)

1. Subject to the plaintiffs filing the original/ certified/ true typed/ clear copies of the documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.
2. The application is disposed of.

CAV 257/2022

3. Counsel has entered appearance on behalf of the caveator.
4. Accordingly, the caveat stands discharged.

CS(OS) 509/2022 & I.A. 13924/2022 (O-XXXIX R-1 & 2 of CPC)

5. Let the plaint be registered as a suit.



6. Issue summons in the suit and notice in the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC) to the defendants.
7. Counsel for the defendants no.1 and 2 accepts summons in the suit as well as notice in the application.
8. Summons in the suit and notice in the application be issued to the defendants no.3 and 4 through approved couriers/e-mail.
9. Written statement(s) be filed within thirty days from today. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs.
10. Liberty is given to the plaintiffs to file replication(s), if any, within fifteen days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.
11. The parties are directed to maintain status quo in respect of the property bearing no.31, Hanuman Road, New Delhi ('suit property') till the next date of hearing.
12. As regards the various Fixed Deposits of the deceased, Ms. Mala Marwah, the details of which are given in paragraph 35 of the plaint, all the defendants shall give details of the FDs encashed by them after the death of Ms. Mala Marwah in their replies.
13. List before the Joint Registrar on 16th November, 2022 for completion of service and pleadings.
14. List before the Court on 17th January, 2023.
15. This order may be communicated by the counsels for the defendants no.1 and 2 to the Executor named in the Will of Ms. Mala Marwah.



I.A. 13926/2022 (O-XXVI R-9 of CPC)

16. Issue notice.
17. Counsel for the defendants no.1 and 2 accepts notice.
18. Without prejudice to the rights and contentions of the parties, Mr. Karan Nagrath, Advocate appearing on behalf of the defendant no.2 shall prepare an inventory of all the movable assets of late Ms. Mala Marwah lying at the property bearing No. 31, Hanuman Road, New Delhi. He shall give notice to the counsels for the plaintiff and the defendant no.1 before carrying out the aforesaid exercise and shall be accompanied by representatives of the plaintiffs and the defendant no.1.
19. Let the inventory be prepared within two weeks and the Report be filed with this Court.
20. The application stands disposed of in terms of the above.

I.A. 13927/2022 (O-XI R-14 of CPC)

21. Issue notice.
22. Counsel for the defendants no.1 and 2 accepts notice.
23. Without prejudice to the rights and contentions of the defendants, the defendants shall provide the details as sought in paragraph 10 of the application within two weeks from today.
24. The application stands disposed of.

I.A. 13925/2022 (O-XL R-1 of CPC), I.A. 13928/2022 (O-II R-2 of CPC)

25. Issue notice.
26. Counsel for the defendants no.1 and 2 accepts notice.
27. Notice be served to the defendants no.3 and 4 through approved couriers/e-mail.
28. Reply be filed within four weeks.



29. Rejoinder thereto, if any, be filed before the next date of hearing.
30. List before the Joint Registrar on 16th November, 2022 for completion of service and pleadings.
31. List before the Court on 17th January, 2023.

AMIT BANSAL, J.

AUGUST 31, 2022
at