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

+ **CS(OS) 491/2024**

RAJAT BHANDARI

..... Plaintiff

Through: Ms. Shweta Bharti, Mr. Shantanu
Malik, Ms. Yashodhra Roy and Ms.
Darshita, Advs.

versus

ASHOK KUMAR BHANDARI & ORS.

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.06.2024

I.A. 31707/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is disposed of.

I.A. 31708/2024

3. This is an application seeking enlargement of time for filing of court fee. The application is allowed. Let the plaintiff file the deficient court fee within a period of one week after reopening of the Court.

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4. The plaint be registered as a suit.
5. Issue summons to the defendants by all permissible modes upon filing of process fee.
6. The summons shall indicate that the written statements shall be filed



within 30 days. Defendants shall file affidavit of admission/denial of the documents, failing which written statement shall not be taken on record.

7. Replication thereto, be filed within 30 days after filing of written statements. Replication shall be accompanied by the affidavit of admission/denial in respect of the documents filed by the defendants failing which the replication shall not be taken on record.

8. It is made clear that unjustified denial of documents may lead to an order of cost against the concerned party.

9. List before the Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 29.08.2024.

10. List before Court on 03.09.2024.

I.A. 31706/2024

11. This is an application under Order XXXIX Rules 1 & 2 CPC.

12. Issue notice. Notice be served upon the defendants by all permissible modes.

13. The plaintiff is the son of defendant no.1, who is *karta* of Ashok Kumar and Sons HUF (hereinafter referred to as HUF).

14. Learned counsel appearing on behalf of the petitioner submits that the said HUF owns shares in Makino Auto Industries Pvt. Ltd. She submits that the petitioner is also one of the coparceners in the HUF. However, the defendant no.1, behind the back of the plaintiff, has transferred number of shares which the HUF is holding in the said company to his own individual name and thereby diluted the shareholding of the HUF in the said company.

15. She submits that subsequently the said shares have been transferred by the defendant no.1 to his younger son (defendant no.2).

16. She further submits that the meeting of the aforesaid company



wherein the resolution was passed with regard to the transfer of the shares initially from the HUF to defendant no.1 and then by defendant no.1 to defendant no.2, was held behind the back of the plaintiff inasmuch as the plaintiff was travelling at the relevant time.

17. She submits that in case the defendants are not restrained from transferring the shares of the HUF in the said company, the interest of plaintiff as coparcener in the HUF shall be gravely prejudiced.

18. It is further contended by the learned counsel for the plaintiff that there are immovable properties as well which are owned by the HUF which are mentioned in Schedule-I to the plaint. It is submitted that there is a grave apprehension that the defendants may create third party rights in the said properties as well.

19. Having regard to the fact that the plaintiff is a coparcener in the HUF and has a right in the shares held by the HUF in the aforesaid company, as well as, in immovable properties of the HUF, I am of the view that the plaintiff has made out a *prima facie* case for grant of limited *ad interim* order of *status quo* till the next date. Balance of convenience is also in favour of the plaintiff. I am satisfied that the plaintiff will suffer irreparable loss and injury if the defendants continue to transfer the shares of the HUF in the said company to the other coparceners or to third parties or creates third party interest in the immovable properties of the HUF.

20. In view of the above, the parties are directed to maintain *status quo* as regards the share held by the HUF in the aforesaid company, as well as, with regard to the title and possession of the immovable properties mentioned in the Schedule-I to the plaint, till the next date.

21. Provisions of Order XXXIX Rule 3 CPC shall be complied with by



the plaintiff within a period of one week and affidavit of compliance will be filed within a period of three days thereafter.

22. The defendants may file replies to the present application within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

23. List before the Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 29.08.2024.

24. List before Court on 03.09.2024.

**VIKAS MAHAJAN
(VACATION JUDGE)**

JUNE 7, 2024

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