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

+ **CS(OS) 528/2019 & I.A. 20767/2025**

SH. ADITYA GUPTA

.....Plaintiff

Through: Mr. Rajesh Mahindru, Adv.

versus

SH. NARENDER GUPTA & ORS.

.....Defendants

Through: Ms. Shruti Kapur, Adv.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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11.11.2025

O.A. 141/2025

1. By way of the present Appeal the Defendants seek to challenge the Order dated 31.07.2025, passed by the Learned Joint Registrar (Judicial), partly allowing IA 24610/2023, which was filed by the Plaintiff under Order XI Rule 12 & 14 of the CPC.
2. The instant Suit has been filed by the Plaintiff for a declaration that the Suit Property, i.e. Property bearing No. C-580, III Floor, New Friends Colony, New Delhi, is an HUF property and that the Plaintiff, Defendant No.1 & Defendant No.3 have coparcenary rights to the extent of 1/3rd share in the Suit Property. The Plaintiff has also prayed for partition of the Suit Property. Apart from seeking declaration and partition of the Suit Property, the Plaintiff has also prayed for recovery of a sum of Rs.71,33,333/- from Defendants No.1 & 2 towards Rs.33.33 Lakh as 1/3rd estimated share of plaintiff in Rs.1 Crore and Rs.38 Lakhs as interest on the same @ 12% p.a.



from 14.5.2010 till date of filing of the Suit along with pendent-lite and future interest @12% p.a. till actual recovery.

3. It is stated that the Defendant No.1 is the father of the Plaintiff, Defendant No.2 is the mother of the Plaintiff and Defendant No.3 is the sister of the Plaintiff. It is the case of the Plaintiff that the Plaintiff and the Defendants No.1 & 3 are descendants of Lala Bhagirath Mal. It is stated that Sh. Lala Bhagirath Mal was the Karta of the HUF and left behind a large number of HUF properties, gold jewellery and other assets. It is stated that income from joint properties was being collected by the Defendant No.1 and his brothers and they had invested the same in purchasing Property No.B-335, New Friends Colony, New Delhi. It is stated that besides the said property, a large number of gold jewellery and other valuables were also purchased in the name of the HUF. It is state that there were internal disputes and Property No.B-335, New Friends Colony, New Delhi, was partitioned and Defendants No.1 & 2 agreed to take Rs.2 crores towards their 1/3rd share in the said Property and relinquished all their rights in the said property. It is stated that on 14.05.2010, Defendants No.1 & 2 purchased the Suit property for Rs.1 crore. It is stated that the balance sum of Rs.1 crore was invested in an FDR.

4. IA 24610/2023 was filed by the Plaintiff seeking a direction to the Defendants to discover and produce the following documents:

“i. The Income Tax Returns of the defendant No.2 for the period 1972 to 1982.

ii. The details of all the bank accounts in the name of defendant No.1 and 2 for the period 1972 to 1982 and their statement of for the said period.



iii. The details of fixed deposit of Rs.1 Crore made by defendant No.1 and 2 as mentioned in para No.7(xiv) of written statement.

iv. Audited Balance sheet and accounts statement of the Mis Prem Nath Raj Nath Trading Co and Mis Shivani Hardware Trading P Ltd for the period 1972 to 1982.

v. The Income Tax Returns of the defendant No. 1 for the period 1972 to 1982.”

5. It is the case of the Plaintiff that in paragraph No.7 (xiv) of the Written Statement, the Defendants have admitted that out of Rs.2 crores, which was received by them in lieu of their share in Property No.B-335, New Friends Colony, New Delhi, a sum of Rs.1 crore was utilised in purchasing the Suit Property and the remaining amount of Rs.1 crore was invested in a fixed deposit that continues to accrue interest till date.

6. At this juncture, it is relevant to refer to Paragraph 7 (xiv) of the Written Statement filed by the Defendants, which reads as under:-

“7(xiv). From the aforesaid amount received by the Defendant No.2, a sum of Rs. 1,00,00,000/- was invested by her in purchasing the suit property vide sale deed dated 14.05.2010. The remaining sum of Rs. 1,00,00,000/- was invested in a fixed deposit that continues to accrue interest till the date of filing this Written Statement.”

7. The learned Joint Registrar, vide Order impugned in the present Appeal, has directed the Defendants to give the details of the Fixed Deposit of Rs.1 crore on the ground of the admission made by the Defendants in paragraph No.7(xiv) of their Written Statement that a Fixed Deposit of Rs.1



crore has been made from money received by them in lieu of their share in Property No.B-335, New Friends Colony, New Delhi.

8. Learned Counsel for the Defendants strenuously contends that the Plaintiff has to first prove that the Suit Property is an HUF property and without that onus being discharged, the application, being IA 24610/2023, filed by the Plaintiff seeking a direction to the Defendants to discover and produce the documents is not maintainable.

9. In the opinion of this Court, the Plaintiff, apart from seeking partition of the Suit property has also sought for recovery of his share of Rs.33.33 Lakh as 1/3rd estimated share of plaintiff in Rs.1 Crore, which was received by the Defendants from the sale of Property No.B-335, New Friends Colony, New Delhi; therefore, the details of the FDR are germane to the controversy in question. In view of the above, this Court is not able to accept the contention of the Defendants. It is the case of the Plaintiff that the Suit Property is an HUF.

10. In view of the above, this Court does not find any infirmity in the Order of the learned Joint Registrar in directing the Defendant No.2 to disclose the details of the FRDs.

11. Accordingly, the appeal is dismissed.

12. List on 24.11.2025 before the learned Joint Registrar i.e., date already fixed.

SUBRAMONIUM PRASAD, J

NOVEMBER 11, 2025

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