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

+ CS(OS) 6/2022, I.A. 384/2022, I.A. 396/2022, I.A. 397/2022
I.A. 13659/2022, I.A. 17478/2022, I.A. 5220/2023, I.A. 2115/2024
I.A. 3448/2024 & I.A. 29969/2024

PARUL SHARMA

.....Plaintiff

Through: Mr. Chetan Anand, Mr. Akash Kumar
Shrivastava and Mr. Maitray Singh
Rathi, Advs.

versus

AYUSH KAPUR

.....Defendant

Through: Ms. Geeta Luthra, Sr. Adv. with Mr.
Aadarsh Kothari, Mr. Rishabh Dahiya
and Ms. Tanvi Desai, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% 15.01.2025

I.A. 13659/2022

1. This application has been filed under Order VI Rule 17 of CPC on behalf of the defendant, seeking to file an amended written statement on record. It is stated in the application that the defendant wishes to bring on record the discovery of the last Will in testament of Late Sh. Madan Lal Kapoor dated 02nd April 2017, which will be necessary for proper and effective adjudication of the suit. The facts relating to the discovery of this document are stated in *paras 3-8* of the said application.

2. In light of these circumstances, an amended written statement has been proposed with additional *paras 13.1-13.4*, along with amendments to subsequent paragraphs as well, as noted in the application.



3. Counsel for the plaintiff states that he has no objection to the amendment, though these circumstances in which the said document has been discovered, as stated in *paras 3-8* of the application, do not form part of the amended written statement.

4. Ms. Geeta Luthra, Senior Counsel, appearing on behalf of defendant, states that they shall accordingly file a revised amended written statement to include *paras 3-8*, to insert the background circumstances in which the said document was discovered and adverted to.

5. Accordingly, the revised amended written statement will be taken on record, in compliance with the above undertaking.

6. Needless to state, counsel for the plaintiff shall have right to file a replication along with documents in accordance with applicable procedure/rules to this revised amended written statement.

7. The present application is disposed of with the abovesaid directions.

I.A. 29969/2024

1. This application has been filed by the defendant seeking directions to the plaintiff, in terms of the prayer in the said application. The Court had passed orders on 21st May 2024, directing that in the meantime the operations of lockers shall remain stayed.

2. Reply to the said application has been filed, however, the same does not disclose the specific details of the averments made by the defendant in *para 8* of the application, in relation to the Senior Citizens Saving Scheme and the SBI Bank Account FDRs.

3. In this regard, counsel for the plaintiff shall file an affidavit disclosing the details and status of the Senior Citizens Saving Scheme and the FDRs, in particular the beneficiary of the said Schemes and FDRs, the nominee



thereof, the date on which the said Schemes/FDRs were commenced and the date when they have been closed/disbursed, and to whose benefit.

4. The documents in support shall be also appended along with the said affidavit.

5. The same shall be filed within the next two weeks with copies to the opposing side.

6. They shall file a rejoinder/response thereafter, to the reply, as well as the additional affidavit.

I.A. 397/2022 & I.A. 5220/2023

1. These applications have been filed by the plaintiff and defendant, respectively, under Order XI Rules 12 and 14 of CPC, for discovery and production of documents.

2. Counsel for both the parties state that at this stage no relief is sought, considering the documents are either on record or are to be filed.

3. They wish to withdraw the said applications, with liberty to file subsequently, in case the necessity arises.

4. Liberty granted.

5. Accordingly, the present applications are dismissed as withdrawn.

CS(OS) 6/2022

1. Rest of the applications will be considered on the next date of hearing.

2. List on 28th February, 2025.

3. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 15, 2025/MK