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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ TEST.CAS. 4/2022

DINESH CHADUAHRY

..... Petitioner

Through: Mr. Rajesh Yadav, Senior Advocate
with Mr. Nishant Anand, Advocate
for the petitioner/non-applicant

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sunil Dalal, Senior Advocate
with Mr. Akkash Bhadana, Ms.
Manisha Saroha and Ms. Pratibha
Varun, Advocates for respondent
No.3/Objector

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% 05.07.2022

I.A.10008/2022 (exemption for filing duly sworn affidavit)

1. The present application has been filed seeking exemption from filing duly sworn affidavit in respect of reply/objections filed on behalf of the applicant/respondent no.3 [hereinafter 'respondent no.3']. The reply/objections, though not on record of the Court, are stated to be supported by notarized affidavit of the power of attorney holder of the respondent no.3.
2. Senior counsel for the respondent no.3 submits that he shall file a duly notarized affidavit of the respondent no.3 in support of the aforesaid



reply/objections within four weeks from today.

3. In view of the above, the application stands disposed of.

I.A.10009/2022 (of the respondent no.3 for directions)

4. The present application has been filed on behalf of the respondent no.3 seeking to direct the mobile operator agencies/companies to produce true and certified copies of Call Detail Records in respect of the mobile numbers mentioned in paragraph 8 of the application.

5. Issue notice.

6. Notice is accepted by counsel appearing on behalf of the non-applicant/petitioner.

7. Reply be filed within four weeks.

8. Rejoinder, if any, be filed before the next date of hearing.

9. List on 5th September, 2022.

I.A.10010/2022 (of the respondent no.3 u/S.151 CPC for placing on record the experts opinion)

10. Senior counsel on behalf of the respondent no.3 seeks to withdraw the present application with liberty to file an application with proper particulars.

11. The application is dismissed as withdrawn with liberty as aforesaid.

I.A.10011/2022 (of the respondent no.3 for directions)

12. It is the case of the applicant that the petitioner is using the two vehicles of the deceased, details of which are given in paragraph 2 of the application, since the demise of the deceased/testator on 25th May, 2021.

13. The respondent no.3 states that the aforesaid two vehicles should be sold or the petitioner should be directed to deposit 1/3rd market value of the aforesaid vehicles in Court, in case he wishes to use the said vehicles.

14. This Court, vide orders dated 17th January, 2022 and 7th March, 2022,



had directed that status quo be maintained with regard to the immovable as well as movable properties of the testator.

15. Senior counsel for the petitioner submits that the fact that the petitioner was using these vehicles at the point of time when the status quo order was passed would imply that he would continue to use the said vehicles. He further submits that in terms of the Will of the testator, the aforesaid two vehicles have come to the share of the petitioner.

16. I have heard the counsels for the parties.

17. This Court is in agreement with the submissions made on behalf of the petitioner that the status quo order dated 17th January, 2022 passed by this Court would cover the movable assets of the testator as well and therefore, the petitioner cannot be restrained from using the aforesaid two vehicles.

18. In view of the above, this Court is not inclined to grant the relief sought in the present application. However, it is clarified that in the event the applicant succeeds in the present case, he would be entitled to rendition of accounts in respect of the aforesaid two vehicles.

19. The application is dismissed.

AMIT BANSAL, J.

JULY 05, 2022

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