



\$~39

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

+ **CS(OS) 742/2022**

SH R.K. KAPOOR

..... Plaintiff

Through: **Mr. Sanjay Sehgal and Ms. Prekha
Sharma, Advs.**

versus

MRS. SHASHI VOHRA AND ORS

..... Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

29.11.2022

%

1. By way of present suit, the plaintiff, who is the brother of the deceased Sh. N.C. Kapoor seeks a decree of the partition, declaration and permanent mandatory injunction against the defendants. It is averred in the plaint that the other legal heirs of the deceased Sh. N. C. Kapoor, particularly defendant no.7, has started withdrawing amounts from the bank accounts of late Sh. N. C. Kapoor by misusing the status of being a “nominee”. It is also averred that in the second week of June, 2019, the plaintiff scrutinized the house of late Sh. N.C. Kapoor and found all the almirahs empty; all the documents of late N. C. Kapoor are also stated to have been missing, including credit/debit cards and other bank documents. It is pointed out that late Sh. N. C. Kapoor had certain saving accounts in HDFC Bank, Kotak Bank and Syndicate Bank wherein certain monies were deposited in the form of fixed deposits. It is submitted that the plaintiff went to the said banks with a letter that no withdrawal may be allowed from the



said accounts on the basis of the nomination in favour of defendant no.7. However, the bank did not accept the said letter. A legal notice dated 02.03.2022, is stated to have been served by the plaintiff upon the defendant nos.7 and 8 thereafter with regard to the moveable and immovable properties of late N. C. Kapoor, but to no avail.

2. On a conspectus of the averments contained in the suit and the documents filed, let the plaint be registered as a suit.

3. Issue summons in the suit.

4. Upon the plaintiff taking steps within 10 days, let summons be sent to the defendants by all permissible modes. Let the summons indicate that the defendants are required to file their respective written statement to the plaint within 30 days from the date of receipt of the summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.

5. List before the Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 23.01.2023.

6. List before court on 28.03.2023.

IA No.19952/2022 (for grant of ad-interim injunction)

1. By way of this application, the plaintiff seeks ad-interim injunction in favour of the plaintiff and against the defendants, restraining the defendant nos.1 to 8, their legal heirs, relatives, representatives, associates, successors, assignees, agents, servants etc. from selling, transferring, alienating, parting with possession and/or create any third party interest in respect of the property bearing no.A-6/4, Ground Floor, Vasant vihar, New Delhi.



2. Issue notice.
3. Upon the plaintiff taking steps, let notice be sent to the defendants, by all permissible modes, including electronically. *Dasti* in addition.
4. Let a reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of three weeks thereafter, with copies to the opposite counsel.
5. List on 28.03.2023.

SACHIN DATTA, J

NOVEMBER 29, 2022/cl