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

+ **CS(OS) 2139/2014 and I.A. 8742/2024**

SANGEETA SHEKHAWAT & ANR. Plaintiffs

Through: Ms. Nitika Khanna, Adv. for P-1. (M: 9818482557)

Mr. M.A. Niyazi, Ms. Kirti Bharadwaj, Ms. Nehmat Sethi and Mr. Arquam Ali, Advs. for P-2. (M: 9810413706)

versus

ANIL VEDI & ORS. Defendants

Through: Mr. Lalit Bhardwaj and Mr. Jatin Anand Dwivedi, Advs. for D-1. (M: 9212117811)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **23.04.2024**

1. This hearing has been done through hybrid mode.

I.A.8742/2024 (for directions)

2. The present suit is between the legal heirs of Late Shri H.S. Vedi, who passed away on 24th August, 2013. The suit is filed by the Plaintiffs-Ms. Sangeeta Shekhawat and Ms. Anita Vedi who are the daughters of Late Sh. H.S. Vedi. The Defendant No.1 - Mr. Anil Vedi is the son of Late Sh. H.S. Vedi.

3. The Plaintiffs vide the present suit are *inter alia* seeking a decree of partition to the effect that the Plaintiffs and the Defendant No. 1 are each granted a 1/3rd share in all the movable and immovable properties of Late Sh. H.S. Vedi. Further, the Plaintiffs are also seeking a decree of permanent injunction to restrain the Defendant No. 1 from operating any bank accounts



of Late Sh. H.S. Vedi, which Shri H.S. Vedi held either exclusively or jointly with the Defendant No.1 in India or in Kuwait.

4. The present application being **I.A. 8742/2024** is a joint application on behalf of the Plaintiffs and the Defendant No.1 *inter alia* seeking directions to enable the parties to consolidate and distribute the amounts lying in various bank accounts in Kuwait as well as in India of Late Sh. H.S. Vedi. The applicants further state that a preliminary decree has been passed by this Court vide orders dated 22nd July, 2014 and 4th December, 2014 wherein a stay has been granted on the movable and immovable properties of Late Sh. H.S. Vedi. The applicants seek modification in the said orders in order to enable an authorized person in Kuwait to operate and instruct the concerned banks wherein Late Sh. H.S. Vedi has accounts.

5. On 4th December, 2015 a preliminary decree was passed by this Court vide which it was directed that the Plaintiffs and Defendant No.1 shall have a 1/3rd share each in the estate of Late Sh. H.S. Vedi. The relevant portion of the said order reads as under:

“Accordingly, a preliminary decree is passed in favour of the aforesaid parties, i.e., the two plaintiffs and defendant No.1, who shall have 1/3rd share each in the estate of late Mr. H.S. Vedi.”

6. Further to the said preliminary decree, Further, on 20th September, 2023, the Court was pleased to appoint a Local Commissioner to suggest the modes of partitioning of movable and immovable assets manner and mode in which the estate of late Sh. H.S. Vedi can be partitioned. Accordingly, Mr. S. N. Gupta, Advocate was appointed as the Local Commissioner and substantial work is stated to be undertaken by the Local Commissioner.



7. The present application has been filed by the three children of Late Sh. H.S. Vedi jointly seeking various reliefs in order to give effect to the partitioning of the movable and immovable assets of Late Sh. H.S. Vedi. The present application is accompanied by the affidavits of Ms. Sangeeta Shekhawat - Plaintiff No.1 and Mr. Anil Vedi, Defendant No.1. Plaintiff No.2 has not filed an affidavit. However, the application is signed on behalf of Plaintiff No.2 by Mr. M.A. Niyazi, Id. Counsel. In terms of the application, it is prayed as under:

“(a) Allow the present application and may vary the stay orders dated 22-07-2014 and 04-12-2014 to enable the parties through the Authorized Representative in Kuwait and Id. Local Commissioner in India to deal with the banks/lockers in Kuwait and India Respectively in terms of paragraphs 5-11 mentioned above and may pass appropriate orders directing the banks in Kuwait and India to remit the money in the bank accounts(as detailed in paragraph 8 above) of the three legal heirs of Late Shri HS Vedi in equal 1/3rd share each.

(b) Grant mandate and allow the Id. Local Commissioner to execute the sale/exchange/adjustment of immovable properties and facilitate in documentation/registration of the immovable properties as mentioned in paragraphs 16 and 17 above and accordingly extend the tenure of the mandate, for the next 3-4 months.

(c) Allow the Id. Local Commissioner to distribute the jewelries amongst the three applicants and do the valuation and fixation of the prices of those jewelries which admittedly been with the



Defendant No.1 but could not be produced as mentioned in paragraph 15 above.

(d) Pass a direction to the Registry of this Hon'ble Court to remit the money deposited with this Hon'ble Court in the bank accounts of each of the three applicants in 1 /3rd share each."

8. The Court has heard ld. Counsels for the parties. In view of the averments made in the application and the oral submissions made today, the following directions are being issued in the matter.

- (i) The Plaintiff No.2 shall file the affidavit supporting this application within two weeks.
- (ii) The father, Late Mr. H.S. Vedi owns the following bank accounts in Kuwait, where he was working. The details of the said bank accounts are as under:
 - (a) Commercial Bank of Kuwait , US Dollar Account No.0159820200840012
 - (b) Commercial Bank of Kuwait , Dinar Account No.0159820100414012
 - (c) National bank of Kuwait, Kuwaiti Dinar Account No.1001931103

Since the operation of these bank accounts would require local assistance for the parties, all three parties are agreeable that Mr. Joseph William Fernandes (wispy20@yahoo.com) be permitted to coordinate with the aforesaid three banks in order to assist the parties in operating the said three bank accounts. Accordingly, it is directed that Mr. Joseph William Fernandes may complete the documentation to enable



the parties to operate the said three bank accounts.

(iii) The said accounts being operated, the amounts lying in the aforementioned three bank accounts along with the interest accrued thereon, shall be remitted to the following three accounts of the children of late Sh. H.S. Vedi with a share of 1/3rd each:

Anita Vedi Key Bank A/C No. 760252030357 Routing Number -307070267 Swift Code-KEYBUS33
Sangeeta Shekhawat ICICI Bank A/C No.003101223075 IFSC Code: ICIC0000031
Anil Harbhajan Vedi RBL Bank Account No:309004263184 IFSC Code: RATN0000217

If the banks have to make any deductions as per local laws, they may do so.

(iv) In India, the father late Sh. H.S. Vedi owned the following bank accounts.

(a) Standard Chartered Bank, Narain Manzil, 23 Barakhamba Road Branch New Delhi-11 0001 having two accounts:

- a. 52212020958
- b. 52212020931

(b) Canara Bank, NRE Account , RK Puram Sector-13 New Delhi



(with locker)

(c) Syndicate Bank, Mumbai, having Account No-01-01-095480

(d) One Account in SBI Main Branch Connaught Place, New Delhi

The Local Commissioner-Mr. S. N. Gupta, Advocate is permitted to operate these bank accounts on behalf of the parties and transfer the balances in these accounts, along with the interest accrued thereon and after deducting the TDS on the interest component, 1/3rd share each in the same accounts of the three children of late Sh. H.S. Vedi as mentioned above.

(v) There are also amounts which are lying deposited with this Court in the present suit. The parties are agreeable that the said amounts be also distributed to the three children of Late Sh. H.S. Vedi thereby demarcating a 1/3rd equal share. Accordingly, the Registrar General shall remit 1/3rd each to the following bank accounts of the parties, along with the interest accrued thereon and after deducting the TDS on the interest component.

Anita Vedi Key Bank A/C No. 760252030357 Routing Number -307070267 Swift Code-KEYBUS33
Sangeeta Shekhawat ICICI Bank A/C No.003101223075 IFSC Code: ICIC0000031



Anil Harbhajan Vedi RBL Bank Account No:309004263184 IFSC Code: RATN0000217

(vi) Insofar as the immovable properties are concerned, there are a total of four properties of Late Sh. H.S. Vedi.

- (i) A-219 New Friends Colony, (Kothi), New Delhi consisting of the Basement, First, Second and Barsati Floor in an area of around 2193 sq.ft.

The parties have agreed for a base valuation of Rs.22 crores for this property (along with all household goods/fittings/fixtures). In respect of this property, the Defendant No.1 wishes to retain the same. Accordingly, the Plaintiffs would be entitled to 1/3rd amount each out of Rs.22 cores, which can either be paid or shall be adjusted by the Defendant No.1.

- (ii) One Flat No. 303, Aradhna Apartment, Burmah Shell Housing Society, Sector-13 RK Puram, New Delhi with base value of Rs.11 crores.

None of the parties wish to retain this flat. Accordingly, they are permitted to sell the same with a base price of Rs.11 crores and the sale proceeds shall be equally distributed 1/3rd each to each of the parties.



(iii) One Flat No. 306, Aradhna Apartment, Burmah Shell Housing Society, Sector-13 RK Puram, New Delhi.

Plaintiff No.1 wishes to retain this flat with her. The share of the Plaintiff No.2 and the Defendant No.1 shall be paid/adjusted by her to the said other two siblings.

(iv) Commercial premises No. 8-B, Hansalya Building, 15 Barakhamba Road, Connaught Place, New Delhi.

Base price/Valuation of this property is agreed to be Rs.4.5 crores. This property, therefore, needs to be sold. The Local Commissioner shall take steps to sell this property and distribute the proceeds 1/3rd each to each of the siblings.

(vii) The parties are free to seek the assistance of the Local Commissioner-Mr. S. N. Gupta, Advocate either for sale of any of the above properties as agreed or for adjustment etc. so that the agreement between the parties can be given effect to. The necessary documents for sale/vesting of the property to any of the siblings of property no.(i) & (iii) shall also be executed under the supervision of the said Local Commissioner.

(viii) Insofar as the jewellery is concerned, the jewellery is stated to be lying with the Local Commissioner and some jewellery is lying with Defendant No.1. The Local Commissioner shall value the jewellery lying with him as also the jewellery lying with



Defendant No.1 and shall distribute the value of the said jewellery or the jewellery itself- 1/3rd each to the children of Late Sh. H.S. Vedi based upon the valuation. If any adjustment of amount is to be given, the same shall be done by the Local Commissioner.

9. The application is disposed of.

10. The copy of this order be communicated to the banks situated in Kuwait through authorized representative-Mr. Joseph William Fernandes in Kuwait so that the same can be given effect to. It is made clear that if there are any amounts or assets of the father-Late Sh. H.S. Vedi, in view of the preliminary decree dated 22nd July, 2014 and 4th December, 2014, the same would be liable to be divided amongst the Plaintiffs and Defendant No. 1 in the manner-equal share of 1/3rd each.

CS(OS) 2139/2014

11. List on the date already fixed i.e. on 26th April, 2024.

PRATHIBA M. SINGH, J.

APRIL 23, 2024/dk/rks