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

+ **CS(OS) 2139/2014**

SANGEETA SHEKHAWAT & ANR

.....Plaintiffs

Through: Ms. Nitika Khanna, Advocate for P-1.
Mr. M.A. Niyazi, Ms. Anamika Ghai
Niyazi, Ms. Kirti Bhardwaj, Ms.
Nehmat Sethi and Mr. Arquam Ali,
Advocates for P-2.

versus

ANIL VEDI & ORS

.....Defendants

Through: Mr. Lalit Bhardwaj, Advocate for D-1.
Mr. Amol Sharma, Advocate for D-3.
Mr. K. Krishna Kumar, Advocate for
CAMS.
Ms. Chetna Bhalla and Mr. Kartik
Bhalla, Advocates for ICICI Bank Ltd.
Insp. Dharmendra Kumar, EOW,
Mandir Marg, Delhi Police.
Mr. Karun Mehta and Mr. Yugam
Taneja, Advocates for Aditya Birla
Sunlife AMC along with Mr. Lalit
Suri, AR.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **13.11.2024**

1. Mr. M.A. Niyazi, learned counsel appearing on behalf of the plaintiff no.2 invites attention of the court to the order dated 23.04.2024, more particularly to para 8(v) of the said order to contend that certain amount is lying deposited with this court. The said amount is the rent deposited by one of the tenants in respect of one of the suit properties.



2. He submits that it is not in dispute that the plaintiffs as well as defendant no.1 have one-third share each in the amount so deposited.
3. He submits that *vide* order dated 02.08.2024, this court had given a direction to the Registrar General to remit one-third share each to the plaintiffs, as well as, defendant no.1 in proportion of their respective shares.
4. He submits that pursuant to the said direction, the plaintiffs had pursued the matter with the Registry and the Registry had asked the parties to contact the concerned bank, i.e., UCO Bank, Delhi High Court for the said purpose. When contacted, the bank asked them to furnish the Aadhar Card, as well as, PAN Card.
5. He submits that insofar as two plaintiffs are concerned, they have already furnished the said documents to the bank. However, the defendant no.1 is not coming forward to furnish the same.
6. Mr. Lalit Bhardwaj, learned counsel appearing on behalf of defendant no.1 submits that he does not have any instructions from his client and he has also sent a notice to the defendant no.1 intimating him that he will be seeking discharge in the present matter. He submits that a formal application shall be moved by him in that behalf.
7. Mr. Niyazi, at this stage, submits that insofar as the share of the plaintiffs is concerned, an appropriate direction may be given to the Registry to release their share from the amount lying with the UCO Bank, Delhi High Court. The prayer is not opposed by the learned counsel appearing for the defendant no.1.
8. In view of the above, the Registry as well as UCO Bank, Delhi High Court are directed to release the one-third share each, of the two plaintiffs from the amount alongwith the interest accrued thereon, which has been



deposited by one of the tenants, without insisting on the Aadhar Card as well as the PAN Card of the defendant no.1. Since the plaintiff no.2 is residing abroad, her passport may be accepted as proof of her identity in accordance with rules.

9. Insofar as the share of defendant no.1 is concerned, the same may be converted into an interest bearing FDR in an auto-renewal mode.

10. At this stage, learned counsel appearing on behalf of the plaintiffs fairly submit that when the Local Commissioner was appointed in the present case, his fee was fixed at Rs.12,00,000/-, however, in the facts and circumstances of the present case, his fee needs to be enhanced.

11. For the time being, further amount of Rs.1,00,000/- be paid to the Local Commissioner by the plaintiffs subject to further orders. However, the final figure of fee of the Local Commissioner shall be decided on the next date of hearing. The share of defendant no.1 towards the fee of the learned Local Commissioner will be deducted from the amount lying in the UCO Bank, Delhi High Court, in case the defendant no.1 does not volunteer to pay the same.

12. Re-notify on 19.12.2024.

VIKAS MAHAJAN, J

NOVEMBER 13, 2024

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