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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS (OS) 2552/2014

MANJIT SINGH KOCHHAR Plaintiff
Through: Mr. Gurbir Singh, Advocate.
(M:9810062742)
versus

HARJIT SINGH KOCHHAR & ORS. Defendants
Through: Mr. Siddharth Yadav and Mr. Wasim
Ashraf, Advocates for D- 1 & 2.
(M:9811134102) Mr. Mohit
Daulatani, Proxy counsel for Mr.
Aman Nandrajog, (M:9610690072)
Mr. Pratyush Sharma, Advocate for
D-5. (M:9711744465)

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER
% **13.03.2019**

I.A. 26180/2014 (discovery of documents)

1. This is an application seeking discovery of documents from Defendant Nos.1 & 2. The list of documents is as under:

“4. As such the answering Respondent seeks discovery and production of following documents which are or were in power and possession of the non-applicants/Defendant No. 1 & 2: -

a. Original sale deed dated 31.10.1962, lease deed and letter of mutation pertaining to property bearing no. 71, Sunder Nagar.

b. (Original title document pertaining to Willow Bank Estate and Willow Bank Cottage at The mall, Shimla.

c. Copy of all the documents pertaining to petrol pump dealership, namely Central Service Station situated at Connaught Place.



- d. Details and passbooks of all Bank Accounts in the name of Late Sh. Manohar Singh Kochhar.*
- e. Details of all fixed deposits in the name of Late Sh. Manohar Singh Kochhar.*
- f. Details of fixed deposits in mutual funds in the name of Late Sh. Manohar Singh Kochhar.*
- g. Details of National Savings Scheme in the name of Late Sh. Manohar Singh Kochhar.*
- h. Details of investments made/plots booked by in the name of Late Sh. Manohar Singh Kochhar.*
- i. Complete details of all the jewellery in the name of Late Sh. Manohar Singh Kochhar at the time of his demise.*
- j. Details of cash in hand with Late Sh. Manohar Singh Kochhar at the time of his demise.*
- k. Any other money along-with accretions thereto due to Late Sh. Manohar Singh Kochhar from other person(s) at the time of his demise*
- l. Copy of all the lease deeds executed with Defendant No.4 of first floor of 71, Sunder Nagar, New Delhi.*
- m. Details and statement of all the payments received from Defendant No.4 w.e.f. 27.01.2014 in respect of rent of first floor of 71, Sunder Nagar, New Delhi.*
- n. All other movable assets along-with accretions and accumulations thereto in the name of Late Sh. Manohar Singh Kochhar at the time of his demise.”*

2. Mr. Siddharth Yadav, Ld. counsel appearing for Defendant Nos.1 & 2 submits that some of the documents have already been disclosed by the Plaintiff and some documents have already been filed by him. However, apart from the documents, which they have already placed on record, none of the other documents, which have been sought by Defendant No.5, are in their power and possession.

3. It is further submitted by Mr. Yadav that some of the properties and information, which are being sought, relate to the self-acquired properties of



Defendant Nos.1 & 2, which have no bearing to the suit. The present application for discovery of documents is holding up the trial of the suit.

4. He undertakes to place on record the current lease deed for the Sunder Nagar property within two weeks. Earlier lease deeds are no more relevant, as the tenants have already vacated the property and the lease amount was deposited in the Court.

5. The application is disposed of with the observation that in respect of any other documents, which are not discovered by Defendant Nos.1 & 2, parties are at liberty to obtain the same from public records or summon Defendant Nos.1 & 2 for the production of the records at the stage of trial.

I.A. 4121/2017 (discovery of documents)

6. Notice in this application had been issued on 31st March, 2017. No reply has been filed. A perusal of paragraph 8 of the application shows that Defendant No.5 seeks discovery of the following details of the father's estate.

“8. As such the answering Defendant seeks discovery and production of following documents which are or were in power and possession of the non-applicants/Defendant No. 1 &2:

a. Income Tax Returns filed by Late Sh. Manohar Singh Kochhar from the financial year 2002-2003 till the time of his demise on 27.01.2014 i.e. FY2013-2014.

b. Passbooks of bank accounts held in name of Late Sh. Manohar Singh Kochhar, individually or jointly with Defendant No. 1 or Defendant No. 2 or any other family member.

c. Details and accounts of receipt of rent from tenant (s) of immovable property no. 71, Sunder Nagar, New Delhi-110024 from 18.10.2003 till the time of his demise on 27.01.2014.



d. Income Tax Returns filed by Defendant No. 1 from the financial year 2002-2003 till the time of demise of Late Sh. Manohar Singh Kochhar on 27.01.2014 i.e. FY 2013-2014.

e. Pass books of Bank accounts held by Defendant No. 1 and 2 in which amounts received from bank accounts of Late Sh. Manohar Singh Kochhar is kept or amounts received from joint accounts with Late Sh. Manohar Singh Kochhar is kept.

e. Books of accounts of M/s. Central Service Station and details of monies received by Late Sh. Manohar Singh Kochhar from M/s. Central Service Station from 18.10.2003 till the time of his demise on 27.01.2014.

f. Monies received by Late Sh. Manohar Singh Kochhar from M/s. Giggles Limited and Books of accounts of M/s. Giggles Limited from 18.10.2003 till the time of his demise on 27.01.2014.”

7. Defendant Nos.1 & 2 shall disclose on affidavit the PAN number of Late Shri Manohar Singh Kochhar and bank account numbers and the banks where Shri Kochhar had his accounts within two weeks. Upon the same being submitted, the Defendant no.5 shall take steps in accordance with law to obtain the other documents from the respective departments/bank.

8. I.A. is disposed of in the above terms.

CS (OS) 2552/2014 & CC 32/2015, I.As. 16062/2014, 3270/2015, 14719/2015, 16251/2015, 21879/2015, 5123/2016, 6219/2016, 14213/2016, 14214/2016, 14579/2017, 14580/2017, 14286/2018 & 3544/2019

9. List the pending applications for hearing on 24th April, 2019 at 2:15 pm.

PRATHIBA M. SINGH, J.

MARCH 13, 2019/dk