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

+ **CS(COMM) 806/2016, I.A. 32928/2024**

M/S ARRENA OVERSEAS PRIVATE LIMITEDPlaintiff

Through: Mr Rajat Aneja, Ms Chandrika Gupta
and Ms Alka Dwidevi, Advocates

versus

M/S BATRA ART PRESSDefendant

Through: Mr. S. K. Sharma with Mr Tejas
Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **03.12.2024**

1. This case has been listed on office note. Order sheet reveals that this Court on 05.09.2024, while dealing with a similar communication addressed by the Local Commissioner, had observed as under:-

“3. Upon hearing the learned counsels for the parties, it is agreed that the documents which are already forming part of the record of the suit or have been referred to in the pleadings can be exhibited through the official witnesses, who are summoned by the plaintiffs. However, the documents which are not already on record, or which have not been referred to in the pleadings of the parties, cannot be exhibited in this manner. For the same, the plaintiffs shall always be at liberty to take the appropriate legal steps in accordance with law.”



2. The purport of the said order shows that a Coordinate Bench of this Court had permitted exhibition of those documents which have been referred to in the pleadings. In the proceedings on 25.11.2024, a witness from the DDA was called for regarding a document which was produced by the said witness in respect of property bearing No. A-26, Naraina Industrial Area, Phase-1, New Delhi-110028. This was objected by the learned Counsel for the Defendant on the ground that there is no reference of the documents in the replication filed by the Plaintiff.
3. Mr. Rajat Aneja, learned Counsel for the Plaintiff, draws the attention of this Court to Paragraph 6 of the replication which is being reproduced as under:-

“6. That the contents of Para 6 of the Preliminary Submissions are absolutely wrong and hence denied. It is emphatically denied that S. Sanmukh Singh Batra at the instance of his elder son, Shri Jaspal Singh Batra is bent upon to disturb the harmony of the family of the younger son Shri Ravinder Pal Singh Batra. The allegation is absolutely false and concocted. It is extremely unfortunate that such baseless, vague and distasteful allegations are being alleged against the head of the family who is now over 81 years of age. It is stated that Shri Sanmukh Singh Batra has always endeavored peace and prosperity for the family and it is for this very object that the Deed of Family Settlement dated 14.04.2003 had been executed amongst the family members. Furthermore, it is not out of place to mention that it is Shri Ravinder Pal Singh Batra who has been relentless in mentally and physically harassing his own father, Shri Sanmukh Singh Batra, for his own illegal designs and vendetta. Despite being a party to the Deed of Family Settlement and reaping huge benefits thereunder, he has no sanctity or respect for the same. For instance, Shri



Ravinder Pal Singh Batra was transferred the immoveable property bearing No. A-26, Naraina Industrial Area, Phase-I, New Delhi for which a Company, namely. Standard Metal Wires Pvt. Ltd. (under the control of Ravinder Pal Singh Batra and his family) is receiving Rs. 8 to 10 Lakhs approximately per month as rent. This property No. A-26 Naraina Industrial Area, Phase-I, New Delhi was a Joint Family Property before the execution of the said Deed of Family Settlement; however under the said Deed, it was allocated to Shri Ravinder Pal Singh Batra and his family. Shri Ravinder Pal Singh Batra and Shri Prabhdi Singh Batra are the majority shareholders and in control of the said Company, Standard Metal Wires Pvt. Ltd. Furthermore, Shri Ravinder Pal Singh Batra's acrimonious and cruel behaviour is clearly manifested by the fact that his aged father (Sanmukh Singh Batra) was constrained to file a Civil Suit bearing C.S. No. 115/2015 for Permanent Injunction on being threatened of forcible dispossession from his living house in the property bearing No. 13, Rajendra Park, New Delhi - 110060 in which he had been given a life-time interest of residence vide the said Deed of Family Settlement dated 14.04.2003. All other allegations to the contrary are absolutely wrong and hence denied. ”

4. A perusal of the said paragraph reveals that it is the case of the Plaintiff in the replication that there was a family settlement entered into between the parties wherein certain properties were apportioned into two branches i.e, the two children of Mr. Sanmukh Singh Batra.
5. Since the property is referred to in the replication, which is a part of the pleadings, the objections raised by the learned Counsel for the Defendant taken before the Local Commissioner in its proceedings dated 25.11.2024 that it is contrary to the Order dated 05.09.2024, cannot be accepted.



6. The Local Commissioner is requested to expeditiously conclude the recording of the evidence on behalf of the Plaintiff.
7. List before the Joint Registrar on 17.02.2025.

DECEMBER 03, 2024
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SUBRAMONIUM PRASAD, J