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

+ **CS(OS) 412/2016**

MRS SHIVANI KHULLAR & ANR Plaintiffs

Through Ms Gurmeet Bindra, Advocate.

versus

MR SAMIR BAJPAI & ORS Defendants

Through Mr Shantanu Singh and Mr Murari Batra,
Advocates for D1 to D3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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22.03.2017

IA No. 14778/2016

1. This is an application filed on behalf of the plaintiffs, *inter alia*, praying as under:-

“Appoint any person as deem fit by this Hon’ble Court to take Defendant No.3 for medical checkup to the Army Hospital (R & R), Delhi Cantt., from time to time as advised by the attending doctor and inform the parties herein and this Hon’ble Court about her medical conditions. Further, Defendant Nos. 1 and 2 be directed to co-operate and do not obstruct in medical checkup of the Defendant No.3/Mrs. Madhu Bajpai.”

2. In view of the apprehension expressed by plaintiff no.1 that defendant no.3 was not receiving adequate medical treatment, this court had met defendant no.3 in the chambers along with the counsel for the parties on 24.08.2016. Although defendant no.3 is of an advanced age, she is fully alert, confident and articulate. Defendant no.3 is the widow of Late Col.



Gopi Nath Bajpai and has access to medical facilities. She had confirmed that she had been visiting the doctors on many occasions on her own at R & R Army Hospital. She had further stated that she was involved in social work to keep herself busy and had flatly refused that she required any assistance for the said purpose and accordingly the learned counsel for the plaintiffs had stated that she would be satisfied if the defendants are directed to provide a copy of the medical records of defendant no.3 as are available with them to satisfy themselves that she is receiving adequate medical treatment. In the circumstances, no further orders are warranted as she has confirmed that she has been availing medical facilities from time to time.

3. In view of the above, the application stands disposed of.

IA No. 10025/2016

4. The learned counsel appearing for the applicants (plaintiffs) states that so far as the bank accounts are concerned, the applicants have filed another application. Therefore, the only question to be considered in this application is with regard to the applicants' prayer for directing *status quo* as to the property bearing house no. 23, Sector-21B, Faridabad, Haryana. The defendants claim that the said property was purchased from the funds of defendant no.1. On 24.08.2016, defendant no.1 had sought time to file a detailed affidavit in this regard. The learned counsel for defendant no.1 states that the bank account details indicating payments for the consideration are not readily available, however, a photocopy of the sale deed of the property in question has been located and has been placed on record. He states that out of the three demand drafts mentioned in the sale deed for the total consideration of ₹1,50,000/-, ₹20,000/- was paid by the father of the



contesting parties, late Col Bajpai and the balance consideration of ₹1,30,000/- was paid by defendant no.1 from his bank account.

5. The learned counsel appearing for the plaintiff no.1 points out that as per the sale deed, the property in question was owned by Col Bajpai and defendant no.1 in equal proportion. She submits that in the circumstances the plaintiffs would also have a share in the said property. At this stage, the learned counsel appearing for defendant no.1 volunteers that defendant no.1 would maintain *status quo* as to the title of the property. He further states that the said property is tenanted and any order directing *status quo* as to possession would impede defendant no.1's ability to evict the tenants. Accordingly, defendant no.1 is directed to maintain the status quo as to the title of the said property. It is further directed that the defendants will not further lease out the premises to any other person without leave of this court.

6. The application is disposed of.

IA No. 11398/2016

7. In view of the orders passed on 19.09.2016, no further orders are required to be passed in this application. The application is disposed of.

CS(OS) 412/2016

8. List for framing of issues on 17.07.2017.

VIBHU BAKHRU, J

MARCH 22, 2017

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