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

+ CS(OS) 540/2018 and IA Nos.14610/2018, 16989/2018, 1719/2019, 1721/2019, 17910/2019, 18071/2019, 18073/2019, 18074/2019, 4728/2022, 8065/2022

SMT. HARINDER KAUR

..... Plaintiff

Through: Mr. Pawanjit Singh Bindra, Sr. Adv.
along with Mr. Lakshay Dhamija,
Adv.

versus

SHRI MANINDER PAL SINGH & ORS.

..... Defendants

Through: Mr. R.K. S. Bajwa, Mr. Sachin
Verma and Mr. Jagjit Bajwa, Advs.
for D-2 along with D-2 in person.
Mr. Amit Singh Chauhan, Ms. Shriya
Misra and Mr. Mandavya Kapoor,
Advs. for Mr. Joginder Pal Singh.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

10.04.2023

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1. After some hearing, it is agreed by respective counsel for the parties that during the pendency of the present suit, status quo shall be maintained in respect of the immovable properties falling part of the estate of deceased Sh. Kulwant Singh, subject however, to the outcome of IA No.4728/2022, filed on behalf of the plaintiff and IA No.18073/2019, filed on behalf of the defendant no.2 (Sh. Joginder Pal Singh). It is directed accordingly.



IA No.18073/2019

2. During the course of hearing, learned counsel for the defendant no.2 i.e. the applicant, has handed over a copy of a certificate dated 17.03.2023 of a Chartered Accountant, in terms of which the Income Tax liability of late Sh. Kulwant Singh for the financial year 2018-19 (i.e. the assessment year 2019-20) is stated to be to the tune of Rs.4,02,530/-. The said certificate is accompanied by an Income Tax Return purported to have been filed on 28.08.2019 which depicts the gross total income of the deceased Sh. Kulwant Singh during the relevant financial year to be Rs.34,35,400/-. Let copy of the certificate and relevant Income Tax Returns relied upon by the applicant, be supplied to learned counsel for the plaintiff, who shall take instructions with regard thereto.

3. Learned counsel for the applicant shall also file the bank statements in respect of account bearing No.911030011141736 of Late Sh. Kulwant Singh in Axis Bank, Vishal Enclave, Rajouri Garden, New Delhi, in which the gross total income amounting to Rs.34,35,400/- is stated to have been deposited in the relevant financial year. Learned counsel for the applicant submits that no part of the said gross total income has been withdrawn by the applicant after the demise of late Sh. Kulwant Singh. Let a copy of the bank statement in respect of the aforesaid account (for the period 01.04.2017 till date), be filed within a period of four weeks from today. The applicant shall also file the relevant TDS certificates/details of TDS deposited in respect of gross total income of late Sh. Kulwant Singh in the relevant financial year.

4. The applicant is permitted to obtain the bank statements/TDS certificate/details of the TDS deposited, from the concerned bank.



IA No.18075/2019

5. This is an application seeking modification of the order dated 23.10.2018 to the extent that this court may appoint a Local Commissioner, in whose presence locker no.7004, Axis Bank, A/-11, Vishal Enclave, Opposite Rajouri Garden, New Delhi-110027 be opened to retrieve the alleged Original registered Will dated 31.03.2015, stated to have been executed by late Sh. Kulwant Singh.

6. Respective counsel for the parties are in agreement that a Local Commissioner be appointed, in whose presence the aforesaid locker may be opened. If any Will is found in the said locker, the same shall be handed over to the Local Commissioner, and the same shall be filed in Court by the said Local Commissioner. The Local Commissioner shall also prepare an inventory of the other articles, if any, lying in the aforesaid locker. Thereafter, the said articles shall be kept in the same locker and the said locker be closed/sealed in the presence of the Local Commissioner. The said inventory/list of articles may be filed by the Local Commissioner in this Court.

7. Accordingly, Ms. Pragati Dhawan, Advocate (Mobile No.: 8448838209) is appointed as the Local Commissioner for the aforesaid purpose.

8. The fees of the Local Commissioner shall be Rs.50,000/-, to be shared equally by the parties. The parties shall coordinate with the Local Commissioner to fix a suitable date/time for the visit of the Local Commissioner to the bank. The parties shall also be at liberty to remain present/accompany the Local Commissioner during the aforesaid exercise.



9. Let a copy of this order be also sent to the Manager, Axis Bank, Vishal Enclave, Opposite Rajouri Garden, New Delhi-110027, to ensure necessary compliance.

10. The present application stands disposed of.

IA No.1720/2019

11. List on 25.07.2023.

APRIL 10, 2023/cl

SACHIN DATTA, J



This is a digitally signed order.

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