



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.3075 OF 2023

Anita Bharat Vardhan ... Applicant
In the matter between:
Anita Bharat Vardhan ... Plaintiff
Vs.
Champalal K. Vardhan and others ... Respondents

WITH
CONTEMPT PETITION (L) NO.17531 OF 2023
IN
INTERIM APPLICATION NO.3075 OF 2023
WITH
INTERIM APPLICATION (L) NO.27777 OF 2023
WITH
INTERIM APPLICATION (L) NO.20177 OF 2023
WITH
INTERIM APPLICATION (L) NO.36267 OF 2023
IN
SUIT (L) NO.20165 OF 2023
ALONG WITH
INTERIM APPLICATION (L) NO.24487 OF 2023
WITH
INTERIM APPLICATION (L) NO.29008 OF 2023
WITH
INTERIM APPLICATION NO.3075 OF 2023
IN
SUIT NO.409 OF 2023

Mr. Ashish Kamat, Senior Advocate a/w. Mr. Kunal Mehta, Mr. Gautam Sahni, Mr. Aviral Jain and Ms. Saanchi Dhulla i/b. Vesta Legal for Petitioner / Applicant / Original Plaintiff in Suit No.409 of 2023 and for Defendant No.36 in Suit (L) No.20165 of 2023.

Mr. Arif Bookwala, Senior Advocate a/w. Mr. Anoshak Daver, Mr. Chirag Sarawagi and Ms. Riya Thakkar i/b. Mr. Tushar Goradia for Respondent Nos.1, 4, 5, 22 to 25, 27, 28 and 32 in CONPL/17531/2023.

Mr. Sharan Jagtiani, Senior Advocate and Mr. Priyank Kapadia i/b. Mr. Pratik K. Shah for Defendant Nos.2 and 26.

Mr. Vishal Kanade a/w. Mr. Shanay Shah and Ms. Mansi Shah i/b. M/s. Pravin



Mehta and Mithi & Co. for Respondent Nos.36 and 37 in CONPL/17531/2023 and for Plaintiff in Suit (L) No.20165 of 2023.

CORAM : MANISH PITALE, J.

DATE : FEBRUARY 28, 2024

P.C. :

. Heard learned senior counsel for the defendants for some time, in the backdrop of having heard the learned senior counsel for the applicant / plaintiff in respect of interim orders sought in Interim Application No.3075 of 2023.

2. The learned senior appearing for the applicant / plaintiff has pressed for interim orders in terms of the prayers made in paragraph 18 of the said application.

3. The learned senior counsel appearing for defendant Nos.1 and 2 have vehemently opposed the grant of interim reliefs on the ground that a perusal of the pleadings in the plaint itself would show that the suit is not only highly belated but, in the face of the admitted position that the plaintiff herself had applied for and obtained letters of administration in respect of estate of the deceased Bharat K. Vardhan (husband of the plaintiff) as also her father-in-law Kishor Chandra Vardhan, she cannot turn around to claim the reliefs as are sought in the suit. It is submitted that, at the highest, the plaintiff could, if at all, seek reliefs in respect of assets forming part of the estate of the said Bharat K. Vardhan at the time of his death and identified in the letters of administration granted in favour of the plaintiff. It is submitted that documents filed along with the plaint itself would show that apart from such assets, the plaintiff is seeking to stake claim in respect of further assets using nomenclature Part B to such assets. It is submitted on behalf of the defendant Nos.1 and 2 that the plaintiff cannot stake any claim in respect of such additional assets.



3. The learned senior counsel for the applicant / plaintiff has vehemently denied the aforesaid contentions raised on behalf of the defendants and he submits that once the defendant No.1 had conceded and as recorded in the order dated 07.12.2022 that disclosures shall be given by the said defendant in terms of prayer clause a(i), (ii), (iii) and (iv), the said defendant cannot be heard to dispute the entitlement of the applicant / plaintiff to such disclosures. It is further submitted on behalf of the applicant / plaintiff that the position of law can be demonstrated before this Court that the reliefs sought in the suit are in furtherance of the entitlement of the plaintiff in pursuance of the letters of administration granted in her favour by this Court.

4. While the arguments in respect of interim reliefs as claimed by the applicants / plaintiffs can be further heard for deciding the fate of this application, at this point in time, this Court is of the opinion that since defendant Nos.1 and 2, both, are admittedly the trustees of Bharat K. Vardhan Trust set up by the mother-in-law of the plaintiff, they ought to come clean before this Court and place on record disclosures as sought in prayer clause a(iv) in the interim application. Defendant No.1 had himself stated on 07.12.2022 that such disclosures shall be given. The affidavit placed on record on behalf of the defendant No.1 falls short of giving such disclosures. Defendant No.2 did not make any such statement. But since defendant Nos.1 and 2, both, are admittedly the trustees of the said Trust, such disclosures as prayed in prayer clause a(iv) ought to be placed before this Court at the earliest.

5. In view of the above, the defendant Nos.1 and 2 shall place on record disclosures as per prayer clause a(iv), which reads as follows:-

“(a) Pending the hearing and final disposal of the Suit, this Hon’ble Court be pleased to require Defendant Nos.1 to 35 (or such of these Defendants as the case may be) to make the following disclosures on oath:

i) ***



- ii) ***
- iii) ***
- iv) Defendant Nos.1 and 2 be ordered and directed to make the following disclosures on oath in relation to the BKV Trust:
 - a) disclose on oath all documents in relation to the Bharat K. Vardhan Family Trust including but not limited to the income tax returns filed by the said trust as well as all audited balance sheets of the said trust;
 - b) disclose on oath the list of properties which comprise the BKV Trust including all accretions thereto and the title and other documents in relation thereto; and
 - c) disclose on oath all dealings with the properties comprising the BKV Trust from the inception till the date of disclosure.”

6. Since the applicant / plaintiff has made serious allegations against the said defendants of stonewalling in the context of the affidavits filed on their behalf in this application, this Court expects the defendant Nos.1 and 2 to make detailed disclosures as sought in prayer clause a(iv), quoted hereinabove. The disclosures shall be placed on record by way of affidavit along with relevant documents within two weeks from today. No further extension shall be granted.

7. In the meanwhile and until further orders, the defendant Nos.1 and 2 shall not deal with the assets of the aforesaid Trust (Bharat K. Vardhan Trust).

8. List for further arguments on 18.03.2024 at 2:30 p.m.

(MANISH PITALE, J.)