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

# **CNR No. DLHC010052862026**

+ **CRL.M.C. 1254/2026 & CRL.M.A. 5043/2026**

**HARSHITA GUPTA**

.....Petitioner

Through: **Ms. Ruchi Munjal, Adv.**

versus

**NIMIT GANDHI & ANR.**

.....Respondents

Through: **Mr. Rakesh Khanna, Sr. Adv. along  
with Ms. Aseem Mehrotra, Ms. Vidhi  
Gupta, Ms. Arushi Jindal, Mr.  
Rishabh Jain, Adv.**

**CORAM:**

**HON'BLE MS. JUSTICE MADHU JAIN**

**ORDER**

**01.09.2026**

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1. The present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as , 'BNSS') has been preferred by the petitioner seeking setting aside of the impugned order dated 16.10.2025 passed by the learned Trial Court of JMIC, Mahila Court, South District, Saket Courts, New Delhi.

2. The case of the petitioner is that the petitioner married the respondent no. 1 on 06.12.2019 and the parties cohabited as husband and wife till 19.09.2020, when the respondent no. 1 allegedly left the matrimonial home. On 20.12.2019, the petitioner opened a joint locker bearing No. 118 with Federal Bank, Shivalik Branch, and added the respondent no. 1 as a joint holder, wherein she kept her jewellery constituting her stridhan.



Subsequently, the respondent no. 1 objected before the bank to the petitioner operating the locker in his absence, pursuant to which the bank restrained her from accessing the locker without his consent. The petitioner therefore filed an application dated 04.07.2022 before the learned Trial Court seeking directions to the respondents to withdraw his objections and permit her to operate the locker. Pursuant to the learned Trial Court's directions, both parties disclosed the articles claimed by them to be lying in the locker, and the petitioner relied upon photographs and other documents to establish her ownership over the jewellery.

3. The learned Trial Court, however, vide the impugned order dated 16.10.2025, deferred adjudication of the said application till the conclusion of the evidence. The relevant portion of the impugned order is quoted hereinbelow:

*“It has also been pointed out that respondent no. 1 stated that jewelry of his mother and maternal aunt is lying in the joint locker, as per the affidavit filed in this matter.*

*As per material on record, it is manifest that the contents of the joint locker in question and the claim of either party thereto can not be decided at this stage without affording sufficient opportunity to both parties to substantiate their claims by way of cogent evidence. Accordingly, it is seen fit to defer the adjudication of the present application till the conclusion of evidence in the present matter.*

*Complainant is bound down for her cross examination through her counsel for next date of hearing. Longer date fixed at request of Ld. Counsel for respondents, which is not objected to by Ld. Counsel for complainant.*

*Re-list on 15.01.2026.”*



4. Learned counsel for the petitioner submits that the petitioner's stridhan jewellery is lying in the aforesaid joint locker and that the respondent no. 1 has prevented her from operating the same. It is submitted that the respondent no. 1 himself admitted in his divorce petition that the petitioner had kept her jewellery in the said locker, though he subsequently claimed certain articles as belonging to himself and his family members. Learned counsel submits that both parties having already disclosed their respective claims, there was no justification for deferring the application till conclusion of evidence.

5. Learned counsel for the respondents, on the other hand, submits that the rival claims regarding the articles lying in the locker cannot be decided merely on the basis of the assertions of the parties. It is submitted that the respondent no. 1 has also claimed certain jewellery as belonging to himself and his family members and that the same would require adjudication on the basis of evidence. It is further submitted that the present application has been filed to avoid the petitioner's cross-examination.

6. This court has heard both the parties and perused material on record.

7. The rival submissions give rise to a limited question as to whether the competing claims of the parties with respect to the articles lying in the joint locker can be adjudicated at this stage, merely on the basis of the material presently available on record.

8. In the considered view of this Court, the answer has to be in the negative. The petitioner claims that the jewellery lying in the locker constitutes her stridhan, whereas the respondent no. 1 disputes the petitioner's claim and asserts ownership over certain articles on behalf of himself and his family members. Thus, there are competing claims regarding the ownership of the articles lying in the locker.



9. Such competing claims cannot be conclusively determined merely on the basis of the respective assertions or documents relied upon by the parties at this stage. The nature, identity and ownership of the articles lying in the locker are matters which would require the parties to lead evidence and the learned Trial Court to thereafter appreciate such evidence. The mere disclosure of their respective claims by the parties does not dispense with the requirement of evidence where the claims themselves are disputed.

10. In view of the discussion above, the present petition is dismissed. Pending application(s), if any, also stand disposed of.

11. A copy of this order be sent to the concerned Trial Court for information and necessary compliance.

**MADHU JAIN, J**

**SEPTEMBER 1, 2026/rm**