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

\+ CS(OS) 2320/2008

MR. B.S. OBEROI ..... Plaintiff

Through: Mr. Raman Kapur, Sr. Adv with Manish Kumar, Mohit Arora and Nalini Singh, Advocates

versus

SHRI P.S. OBEROI & ORS. ..... Defendants

Through: Mr. H.S. Phoolka, Sr. Adv. with Ms. Shilpa Dewan for D-3
Mr. Vikas Aggarwal for LRs of D-5
Ms. Tejaswi Shetty for D-5B
Mr. Anshu Mahajan for D-6
Mr. Rajiv Nayyar, Sr. Adv. with Mr. Aman Avinav for D-9 to 12

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

O R D E R

% **27.04.2016**

O.A. No.43/2013

This chamber appeal is directed against the order dated 20.03.2013 passed by the learned Joint Registrar in I.A. No.3050/2013, whereby the application of defendant no.3 seeking answers to several interrogatories by the plaintiff was allowed in respect of the interrogatories except interrogatory no.5.

The submission of learned senior counsel for the plaintiff is that practically all the interrogatories stand answered either in the form of documents filed by the plaintiff or in the form of statements made by the

plaintiff before the Court.

So far as the first interrogatory is concerned, which pertains to the full name of the plaintiff, the plaintiff was required to place on record his passport vide order dated 16.01.2015. The first page of the passport which contains the name of t he plaintiff, his father's name and address has been placed on record.

Mr. Kapur, on instructions, states that since the plaintiff has filed the said documents, he relies thereon and the information contained therein is true and correct. Accordingly, the said query stands answered.

The second interrogatory is with regard to the time when the plaintiff converted to Islam. An order passed by the Division Bench in FAO (OS) No.322/2010 on 14.02.2013 has been placed before the court. A perusal of the same shows that the plaintiff has admitted that he converted to Islam in the year 1980. Therefore, this query also stands answered on the record.

The third interrogatory and the first interrogatory are the same inasmuch, as, the third interrogatory is with regard to the name of the plaintiff mentioned on his current passport. Since the same has been supplied, this query stands answered.

The fourth interrogatory is with regard to the name of the plaintiff mentioned in the school record. This query has no relevance as the conversion of the plaintiff took place in the year 1980 as disclosed by him. Therefore, the name given by his parents would be the name in the school record. In any event, the same is not relevant for the purpose of the suit.

The fifth interrogatory has already been rejected by the learned Joint Registrar.

In relation to the sixth interrogatory, namely, "What is your name in

the official record mentioned in Egypt?", Mr. Kapur submits that the plaintiff has placed on record the affidavit sworn by the plaintiff at Cairo, wherein he has disclosed his name as Basel Oberoi @ Balwinder Singh Oberoi @ Bubbli Oberoi, s/o Kuldip Singh Oberoi. Mr. Kapur submits that the plaintiff stand by the said document. Accordingly, this query also stands answered.

The queries with regard to the marriage of the plaintiff with Farida; the subsequent divorce, and; the manner in which the divorce took place, in my view, are all wholly irrelevant. In any event, these queries stand answered by the plaintiff before the Division Bench in aforesaid FAO (OS) No.322/2010. He has stated before the Division Bench that he converted to Islam in 1980 whereafter he married an Egyptian lady. The marriage continued till 2003 when the parties divorced as per Muslim law.

In view of the aforesaid, the interrogatories raised by defendant no.3 already stand answered. The appeal stands disposed of.

The plaintiff shall file the complete copy of the passport, since only one page has been filed by the plaintiff. The same be filed within four weeks with advance copy to counsel for the defendants.

I.A. No.21541/2015

This application has become infructuous in view of the order of the Division Bench. The same is, accordingly, dismissed as such.

CS(OS) 2320/2008

In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (New Delhi), Patiala House

Courts for further proceedings before the competent court on 27.07.2016.

It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

VIPIN SANGHI, J

APRIL 27, 2016
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