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

+ **FAO 371/2017 & CM Nos. 33409-10/2017**

DEEPALI BOHRA

..... Appellant

Through: Mr. M.P.Arora and Mr. Prateek
Saxena, Advocates.

versus

STATE & ORS

..... Respondents

Through: Mr. Sanjeev Kr. Singh and Mr.
Raghvendra Pandey, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **13.09.2017**

1. Without in any manner commenting upon the legality and correctness of the impugned judgment dated 16.5.2017, this appeal is allowed to be withdrawn inasmuch as the appellant in accordance with law is given liberty to file a suit for declaration and mandatory injunction with respect to the contents of the locker in the joint names of the appellant and the grand-mother Smt. Suraj Kaur. In such a suit for declaration and mandatory injunction, the bank will be made a party defendant and also would be other legal heirs of Smt. Suraj Kaur and in such civil proceedings the civil court will decide the title/entitlement of the appellant and the other

legal heirs of Smt. Suraj Kaur to the contents of the locker and how the same had to be divided, and which decision of civil court obviously will be binding to the bank because bank will be made a party defendant in the suit. It may be noted that bank has no lien on the contents of the locker except to the extent of rent of the locker.

2. It is also noted that letters of administration is not compulsory in Delhi, and therefore, learned counsel for the appellant /petitioner is right in contenting that appellant will file a suit for declaration and mandatory injunction as also any other reliefs as per causes of action available to the appellant.

3. The appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

SEPTEMBER 13, 2017

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