



\$~82

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

% ***Date of Decision: 18th October, 2024***

+ CM(M) 3629/2024 & CAV 516/2024 & CM APPL.
61064-61066/2024

VEENA NARANG

.....Petitioner

Through: Mr. Vivek Chib, Sr. Advocate with
Mr. Vikhyat Oberoi, Mr. Nishita
Gupta, Mr. Ravi Sharma and Mr.
Sivam Prakash, Advocate.

versus

SAGRIKA D BAJAJ

.....Respondent

Through: Mr. Avinash Sharma with Mr.
Akanksha, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. It happens to be a suit filed by a daughter against her mother whereby she seeks recovery of principal amount of sum of Rs. 9,75,000/-.
2. The suit was filed under Order XXXVII CPC and the learned Trial Court, while considering the application seeking leave to defend filed by the mother (the sole defendant), granted her conditional leave to defend on her depositing entire principal suit amount of Rs. 9,75,000/-.
3. Such order was passed on 27.01.2024.
4. An application seeking review was filed by the respondent. While



seeking review, she also sought to rely upon several additional documents, in order to show that there was no question of advancement of any loan to plaintiff, as there were bank transaction showing transfer of Rs. 25,00,000/- to her grandchildren (children of plaintiff).

5. Fact, however, remains that such review also did not find any favour with the learned Trial Court and was dismissed on 25.09.2024.

6. It is in the above said factual matrix that the present petition has been filed under Article 227 of the Constitution of India.

7. It is noticed that out of the above said principal amount, 50% of amount has already been deposited before the learned Trial Court in form of FD (fixed deposit).

8. During course of the arguments, learned senior counsel for petitioner states that though the petitioner is having very good case on merit but keeping in mind the fact that the suit is between mother and daughter and since 50% of the amount has already been deposited by her, the condition imposed upon mother may be, accordingly, modified/reduced to the above extent.

9. Learned counsel for respondent/plaintiff appears on advance notice and states that even though he also does have a very good case on merit, he would have no objection if the petition stands disposed of while reducing the conditional amount to 50% of the principal amount.

10. This Court has also gone through the stand taken by the respective parties in their pleadings. Keeping in view the rival stand and the peculiar facts of the case and also in view of the above said statements made by



learned counsel for both the sides, the present petition is disposed of with the direction that the conditional leave is granted to her on deposit of sum of Rs. 4,87,500/-.The impugned order dated 27.01.2024 stands modified to said extent.

11. Such amount has already been deposited by way of FD.

12. The case is now, reportedly, fixed for 10.12.2024 before the learned Trial Court for framing of issues.

13. Needless to say, both the sides shall make fresh endeavor to find out any amicable solution of the matter. In case, the matter does not get resolved amicably, the learned Trial Court shall make best endeavor to dispose of the above suit as expeditiously as possible. Both the sides shall render their best assistance and cooperation in this regard to learned Trial Court.

14. The petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

OCTOBER 18, 2024/SW