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

+ **FAO(OS) 143/2025 & CM APPLs.71738/2025 (for stay),
71739/2025(for exemption) & 71740/2025 (for condonation of
delay of 145 days in filing the Appeal)**

PUSHPA KUMARAppellant

Through: **Mr. Gaurav Mitra, Advocate.**

versus

POONAM KUMAR & ORS.Respondents

Through: **Mr. Rajat Aneja, Mr. Jaspreet
Singh Kapur, Ms. Shweta and
Mr. Anant Chaitany Dutta,
Advocates for R-1.**

**CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

ORDER

% **17.11.2025**

1. The present Appeal, under Order XLIII Order 1 of the **Civil Procedure Code, 1908¹** read with Section 10 of the Delhi High Court Act, 1996, assails the Orders dated 15.05.2025, 21.05.2025, 13.08.2025 and 08.10.2025 passed by the learned Single Judge in I.A. No. 39442/2024 in CS(OS) No. 1700/2013.

2. For sake of convenience, the parties shall be referred hereinafter with their respective ranks, as before the learned Single Judge.

3. Through the present Appeal, the Defendant No. 3 (Appellant herein) in the pending suit assails the correctness of afore-mentioned

¹ CPC



Interim Orders passed on 15.05.2025, 21.05.2025, 13.08.2025 and 08.10.2025. It is evident that the Plaintiff-Poonam Kumar (Respondent herein) filed a suit being CS(OS) No. 1700/2013, for declaration/partition, permanent and mandatory injunction. The parties to the suit are members of the same family. The Defendant No. 3/Smt. Pushpa Kumar is the mother of Respondent No. 1/Poonam Kumar, the Plaintiff in the said suit. It is evident that after giving statement to the effect that the Defendant No. 3 will disclose the moveable assets and after having taken repeated adjournments, she filed an application that the details of the assets should only be perused by the Court and should not be disclosed to the Defendants.

4. The Court observed that such request will be considered after examining the details of the documents.

5. Learned counsel for the Appellant submits that if the details are shared with the Plaintiff, it would result in a fishing and roving inquiry.

6. This Court has considered the submissions. Learned Single Judge is seized of the matter. Hence, it would not be appropriate to interfere at this stage.

7. The conduct of the Defendant No. 3 is not appreciable particularly when after giving undertaking to produce the documents, efforts are being made to resile therefrom. Moreover, the Appellant has also concealed the Order dated 13.09.2024, which bears significance. Paragraphs 11 to 13 of the said Order read as under:

“11. Having regard to the fact that the genuineness of the Will is yet to be established by the defendant no.3 and it is also not in dispute that the mother was always a housewife, *prima facie* it appears that the amount held in the aforesaid six bank accounts form part of the estate of Late S.S. Kumar, therefore, this Court is of the view that the plaintiff has made out a *prima facie* case for



passing an interim order against the defendant nos. 1 and 2.

12. The balance of convenience lies in favour of the plaintiff. I am also satisfied that in case the interim relief as prayed by the learned counsel for the plaintiff is not granted, the plaintiff shall suffer an irreparable loss.

13. In view of the above, the defendant nos. 1 and 2 are directed not to utilize the amount which has been transferred by the defendant no.3 from six bank accounts at Serial Nos. 1 to 15 in para 15 of the application to their bank accounts, till the next date.”

8. Hence, the present Appeal is dismissed along with the pending applications, if any, with costs of Rs. 50,000/- to be deposited in the Poor Patients’ Fund under the aegis of All India Institute of Medical Sciences (AIIMS), New Delhi within two weeks.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
NOVEMBER 17, 2025/rk/kr