



\$~29

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

+ CS(OS) 571/2017 and I.A. 12006/2017 (under Order XXXIX Rule 1 and 2 CPC), I.A. 15087/2017 (under Order XII Rule 6 r/w Order VII Rule 11 CPC-by defendant No.1), I.A. 5008/2018 (under Order VII Rule 11 CPC-by defendant No.6), I.A. 5009/2018 (under Section 151 CPC-by defendant No.6), I.A. 5102/2018 (under Order II Rule 2 r/w Order VII Rule 11 CPC-by defendant No.7) & I.A. 16489/2019 (under Order VIII Rule 1A CPC-by defendant No.1)

JAGDIP KAUR

..... Plaintiff

Represented by: Ms.Amrit Kaur Oberoi, Advocate
with Ms.Sonali S.S., Advocate.

versus

MANBIR SINGH OBEROI & ORS

..... Defendants

Represented by: Mr.Abhishek Singh, Mr.J.Amal Anand, Mr.Yatharth Kumar and Ms.Aayushi Mishra, Advocates for Defendant No.1.
Mr.R.K.Sachdeva, Advocate for defendant No.2.
Mr.Sanjeev Goyal, Advocate for defendant No.5.
Mr.Akhil Anand, Advocate for defendant No.6.
Mr.L.K.Singh, Advocate for defendant No.7.
Mr.Muzammil, proxy counsel for Mr.Ajay Kakkar, Advocate for defendant No.8.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

CS(OS) 571/2017

Page 1 of 3



ORDER

05.12.2019

%

1. Affidavit of Mr.Madanjit Singh Oberoi has been handed over which is taken on record. As per the affidavit, the plaintiff Mrs.Jagdip Kaur, who lives in A-16/4, Vasant Vihar, New Delhi is aged 97 years and has a bank account in Comerica Bank, Detroit, USA wherein she receives her pension of approximately 580 USD from the US Government. The affidavit does not specify whether the pension is per month or per annum. However, learned counsel for the plaintiff states that the plaintiff is receiving approximately 580 USD per month. The bank account in Comerica Bank, Detroit, USA was initially in the joint name of the plaintiff and Manbir Singh Oberoi/defendant No.1 and later since the year 2015 her other son Mr.Madanjit Singh Oberoi is the joint account holder. According to the affidavit till April, 2019 no money was withdrawn from this account however, in view of the fact that now the requirements of Mrs.Jagdip Kaur in India were rising the deponent approached the authorities who found that since the sum of 44,171 USD approximately was lying in her pension account they refused to enhance the pension. Hence the same was withdrawn by the deponent. Deponent agrees that this amount can be deposited in any account in the name of the plaintiff so that it is utilised for her benefit.

2. Learned counsel for the plaintiff states that the account in the name of the plaintiff will be opened near her place of residence within one week whereafter the deponent Madanjit Singh Oberoi can transfer the amount of approximately 44,171 USD withdrawn by him in April, 2019 for the benefit

CS(OS) 571/2017

Page 2 of 3



of the plaintiff. She further states that thereafter whatever the monthly pension of the plaintiff would be received at USA in Comerica Bank, Detroit, USA, the same will be transferred to this account, if permissible under law and in case required she would move an application in this regard.

3. Learned counsel for the plaintiff would file an affidavit of compliance before the next date of hearing.

4. List the suit before Court on 21st January, 2020.

MUKTA GUPTA, J.

DECEMBER 05, 2019

‘vn’

CS(OS) 571/2017

Page 3 of 3