

Bharat Star Services Private Limited & ... vs Harsh Deo Thakur & Ors on 21 March, 2018

Author: Yogesh Khanna

Bench: Yogesh Khanna

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CS(OS) 115/2018
BHARAT STAR SERVICES PRIVATE LIMITED & ANR

..... Plaintiffs

Through : Mr.Sachin Datta, Sr. Adv. with
Mr.Ashutosh Chandola and
Ms.Gayatri Verma, Adv.

versus

HARSH DEO THAKUR & ORS

..... Defendants

Through : Mr.Kush Sharma, Mr.Ekant Luthra,
Adv. for D-8/Vijaya Bank
Mr.Rajiv Kapur, Adv. for SBI

CORAM:
HON'BLE MR. JUSTICE YOGESH KHANNA
ORDER

% 21.03.2018
IA Nos.3930-3931/2018

Allowed subject to just exceptions.

Learned senior counsel for the plaintiff on instructions submits that the requisite court fees will be filed within two weeks from today.

The application is disposed of in view above statement. CS(OS) 115/2018, IA Nos.3927-3929/2018 The suit has been filed suit for recovery of money, rendering of accounts, prohibitory and mandatory injunctions against the defendants. The case of the plaintiffs is the defendant No.1 was an employee of the plaintiff on a meagre salary of 25,000/- per month and he has siphoned off the money of the plaintiff, totalling to 2.78 crores in collusion with defendants No.2 to 6. The learned senior counsel for the plaintiff has taken me to various documents showing how the amounts have been transferred from the bank account of the plaintiff to the accounts of the defendants and has filed a chart to the effect. Out of the amounts so siphoned off transferred to the relatives, the defendant No.1 and his relatives have purchased properties as shown at page 36 of an application under Order 38 Rule 5 CPC. The plaintiff has also referred to charge sheet in FIR No.1293/2017 of Police Station -

Sector-20, Noida wherein it has been noted defendant No.1's family members are on the run whereas defendant No.1 has been apprehended and arrested.

Issue notice on applications and the suit.

Counsel for defendants No.7 and 8 accepts notice. Copy be supplied to them during the course of the day. Written statement be filed within four weeks from today with an advance copy to learned counsel for the plaintiff. Replication, if any, be filed within four weeks thereafter.

Notice of the suit as well as applications be issued to the remaining defendants by all modes on filing of PF/RC returnable before the Joint Registrar on 12.07.2018 and in the meanwhile, (a) Defendants No. 1 to 6 are restrained from operating their bank accounts along with associated investments viz. fixed deposits, term insurances, and bank lockers in Defendants 7 to 11, and from alienating, encumbering, disposing off or creating in any manner any third party rights over the immovable properties mentioned in paragraph 28 of the plaint and moveable properties including mutual funds mentioned in paragraphs 29 to 31 of the plaint and (b) and also Defendants 7 to 11 are restrained from permitting operation of bank accounts of Defendants 1 to 6, including fixed deposits, credit and debit cards, term insurances, bank lockers and any other associated investments and not to permit them to liquidate and / or operate the same; except to the extent of their daily/routine needs.

Copy of the order be given dasti to counsel for the parties under signature of the Court Master.

YOGESH KHANNA, J MARCH 21, 2018 VLD