

# **L.S. Davar & Company & Ors vs Praneet Singh Davar on 12 November, 2020**

**Author: Rajiv Shakdher**

**Bench: Rajiv Shakdher**

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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I.A.No.10456/2020 & I.A. No.10404/2020 in  
CS(OS)No.2540/2015

L.S. DAVAR & COMPANY & ORS.

.....Pla

Through : Mr. Y.P. Narula, Sr. Adv. with  
Tara Narula and Ms. Nupur Agarw  
Advs.

versus

PRANEET SINGH DAVAR

.....Def

Through : Mr. Akshay Makhija, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% 12.11.2020 [Court hearing convened via video-conferencing on account of COVID-19]

1. This is an application moved on behalf of the plaintiffs for deleting defendant no. 2 i.e. Ms. Anshu Davar from the array of parties.

2. Issue notice to the defendants.

2.1 Mr. Akshay Makhija accepts service on behalf of the defendants. 2.2 Mr. Makhija says that he has no objection to the prayer made in the application being allowed and, therefore, he does not wish to file a formal reply to the same.

3. Accordingly, the prayer made in the application is allowed.

4. Defendant no. 2 is deleted from the array of parties.

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5. This is a joint application filed under the provisions of Order XXIII Rule 3 read with Section 151 read with Order XXXIIA of the Code of Civil Procedure, 1908 [CPC].

6. Although the title of the captioned application includes defendant no. 2 as well, since defendant no. 2 has been deleted from the array of parties, by virtue of the order passed today in I.A. No. 10404/2020, the record shall stand corrected to that extent insofar as the cause title is concerned.

7. To be noted, plaintiff no. 1 is a partnership firm while plaintiff nos. 2 and 3 are its partners.

8. The application bears the signatures of the plaintiffs. Likewise, the application also bears the signatures of defendant no. 1 [now, the sole defendant i.e. Mr. Praneet Singh Davar].

8.1 Besides this, the application also bears the signatures of Mr. Bhavish Singh Davar, Ms. Deepali Lamba Chatrath and Mr. Sourabh Khemani. 8.2 These signatures are appended on page 17 of the application. A perusal of the same would show that, on the said page, there is a reference to two minors i.e. Master Ahaan Singh Davar and Master Jaysheel Khemani. 8.3 Learned counsels for the parties inform me that both the minors are represented by their parents and their signatures are appended on page 17 of the captioned application.

8.4 Insofar as Master Ahaan Singh Davar is concerned, he is the progeny of Mr. Praneet Singh Davar i.e. defendant no. 1 [now, the sole defendant] and Ms. Deepali Lamba Chatrath.

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8.5 Likewise, insofar as Master Jaysheel Khemani is concerned,

progeny of Ms. Joshita Davar Khemani and Mr. Sourabh Khemani. The signatures of the two sets of parents, as indicated above, are found on page 17 of the captioned application.

8.6 Besides these, the application has also been signed by learned counsel for the parties i.e. Ms. Tara Narula and Mr. Akshay Makhija. 8.7 The application is accompanied by the affidavits of Mr. Gautam Singh Davar, Ms. Joshita Davar Khemani, Mr. Sourabh Khemani, Mr. Praneet Singh Davar, Ms. Deepali Lamba Chatrath and Mr. Bhavish Singh Davar.

8.8 The application is also accompanied by a special power of attorney executed by Mr. Gautam Singh Davar, who is aged about 83 years, in favour of Ms. Joshita Davar Khemani.

9. I am informed by learned counsel for the parties i.e. Mr. Y.P. Narula and Mr. Akshay Makhija that except for Mr. Gautam Singh Davar, who, as indicated above, has executed a special power of attorney, all other individuals named hereinabove have joined the proceedings via video-conferencing today, save and except, the two minors.

10. It is also recorded in the application that the terms of settlement, which have been arrived at between the parties, govern not only the captioned suit i.e. CS (OS) No. 2540/2015 but also certain other actions, which are mentioned hereafter.

i. "CS(OS) 2967/2015 filed by Mr. Praneet Singh Davar seeking relief of setting aside of deed of retirement dated 14.11.2014 with regard to the firm L S Davar & Co.

CS(OS)No.2540/2015 page 3 of 5 ii. Testamentary Case No. 88/2019 filed by Mr. Bhavish Singh Davar under sections 278 and 232 of Indian Succession Act with regard to will dated 15.02.2017 of Mrs. Nira Davar, deceased wife of Mr. G S Davar. iii. Rectification Case No. 264647 before the Trademarks Registry Kolkata relating to trademark "L S Davar & Co" initiated by Mr. Praneet Singh Davar.

iv. CP No. 366/KB/2019 by Mr. Praneet Singh Davar against M/s Davar Management Pvt. Ltd. before NCLT, Kolkata."

11. The terms of the settlement arrived at between the parties are set-forth in paragraphs 5 to 14 of the captioned application.

12. I have perused the terms of the settlement. I find that the same are lawful.

13. Insofar as, the two minors are concerned, to whom I have made a reference hereinabove, I am informed that they are parties to the Test. Cas. No. 88/2019. Both minors are represented by their parents, as indicated above.

13.1 As per the terms of the settlement, Master Ahaan Singh Davar gets 25% share in an immovable property described as A-1, Greater Kailash-I, New Delhi-110048.

13.2 Insofar as the other minor i.e. Master Jaysheel Khemani is concerned, he is said to have an interest in the property described as 15/1, Rowland Road, Calcutta-700020 along with his mother i.e. Ms. Joshita Davar Khemani.

13.3 The minors have, thus, secured benefits to the assets mentioned hereinabove. I am informed that no liabilities are foisted on these minors.

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14. It requires to be noticed that the persons who have joined the proceedings today have affirmed the terms of the settlement indicated in the captioned application.

15. Thus, as prayed, the instant suit is disposed of in terms of the settlement arrived at between the parties.

16. The parties will adhere to the terms of the settlement and the undertakings extended by them.

17. The decree sheet, will drawn-up by the Registry in terms of the settlement.

17.1 The application will form part of the decree and shall stand marked as Exhibit- „X .

18. The application is disposed of in the aforesaid terms.

19. In view of the order passed in I.A.No.10456/2020, the suit and the pending application(s) shall stand closed.

20. The case papers will be consigned to record.

NOVEMBER 12, 2020

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RAJIV SH

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