

# Munish Kalra vs Kiran Madan & Ors on 11 July, 2022

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

\$~32

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI  
CS (OS) 2940/2014

MUNISH KALRA

Through: Ms. Aastha Dhawan and  
Sharma, Advocates with  
person. (M:9711436642)

versus

KIRAN MADAN & ORS

Through: Mr. Neeraj Yada  
(M:9899426760)

CORAM:

JUSTICE PRATHIBA M. SINGH  
ORDER

% 11.07.2022 I.A.9561/2022 in CS (OS) 2940/2014

1. There is a dispute between the parties as to who has to deposit the Court fee.
2. The present suit had been disposed of vide order dated 15th March, 2019, recording a settlement between the parties.
3. Considering the nature of the settlement and the total Court fee having been determined as Rs.6 lakhs, out of the total Court fee, the Plaintiff - Mr. Munish Kalra, shall deposit Rs.4 lakhs and Defendant No.1- Smt. Kiran Madan shall deposit Rs.2 lakhs toward the total Court fee. The said deposit shall be made within 6 weeks, subject to which the decree sheet shall be drawn up, after the deposit of the said amounts.
4. I.A.9561/2022 is disposed of.

I.A.9560/2022 (for necessary directions)

5. This is an application seeking further directions against the Defendant sister- Mrs. Kiran Madan, qua whom allegations are being raised by the Plaintiff, stating that she has been illegally withdrawing amounts from the mother-Mrs. Krishna Kalra's bank account.

6. In terms of the settlement recorded vide order dated 15th March, 2019, the Plaintiff was to pay a sum of Rs.50,000/- per month for the daily expenditure and maintenance of his mother, who is approximately 90 years of age. A practical difficulty appears to have arisen today due to her

ill-health, which concerns both the Plaintiff and the Defendant. As of today, the mother is residing with the daughter and her family in Bombay. The Plaintiff does not appear to have access to his mother, either telephonically and physically.

7. Considering the present condition of Mrs. Krishna Kalra, as a first step, it is directed that the Plaintiff, being accompanied by any relative or friend, shall be free to visit his mother in Bombay at his sister's residence, at a mutually agreed time and date. The Plaintiff shall be given free access to visit his mother and the Defendant-sister or any other person shall create no impediment in such visit. If the Plaintiff wishes to make video calls to his mother, the same shall also be facilitated without any impediment by the Defendant-sister or her family members.

8. Issue notice in the application. Last and final opportunity is granted to file the reply within four weeks. Rejoinder thereto be filed within two weeks thereafter.

9. It is made clear that in the reply to this application, the Defendant shall specifically deal with the various withdrawals that are alleged to have been made, as also those reflected in the bank statements filed along with the present application.

10. List on 9th September, 2022.

PRATHIBA M. SINGH, J.

JULY 11, 2022/dk/ms