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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 329/2023 & I.A.10144/2023**

MR. SACHIT KANWAR Plaintiff

Through: Mr. Sandeep Sethi Sr. Adv. with Mr.
Ramesh Singh Sr. Advocates, Mr.
Akshay Ringe, Ms. Megha Mukerjee,
Mr. Anupam Singh & Ms. Hage
Nanya Advs. (M:9910664173)

versus

SURINDER PAUL KANWAR & ORS. Defendants

Through: Mr. Harish Malhotra (Sr. Adv.) with
Ms. Preeti Goel, Mr. Anubhav Goel,
Ms. Priyanka Dhyani, Ms. Nikita
Biwal, Advs. for D-1, 4, 5 & 6. (M:
9999171441)
Ms. Perna Mahajan, Adv. for D-2 &
7. (M: 9716655655)
Ms. Shelly Singh, Adv. for D-9. (M:
9007140712)
Mr. Siddhartha Jain, Adv. for D-3.
(M:8527224980)

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AND

+ **CS(OS) 725/2023 & I.As.22303/2023, 4840/2024**
SAMEER KANWAR Plaintiff

Through: Ms. Perna Mahajan, Adv. (M:
9716655655)

versus

SURINDER PAUL KANWAR & ORS. Defendants

Through: Mr. Ramesh Singh Sr. Adv with Mr.
Akshay Ringe, Ms. Megha Mukerjee,
Mr. Anupam Singh, Advs. for D-2.
(M: 9910664537)
Ms. Shelly Singh, Adv. for D-9.
Mr. Siddhartha Jain, Adv. for D-3.
(M:8527224980)
Mr Arvind Nigam Sr. Adv. with Mr
Sunil Kumar Sharma, Mr Hitesh



Singh, Ms Tanvi Munjal, Advs. for
D-10. (M: 9711282860)

CORAM:
JUSTICE PRATHIBA M. SINGH
ORDER
% **12.03.2024**

1. This hearing has been done through hybrid mode.

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2. This is a suit seeking specific performance against the Defendants for performance of obligations under the Memorandum of Family Settlement dated 13th April, 2012 as also restraining Defendant No.1 from transferring shares held by him in Defendant companies including other ancillary reliefs.

3. This is a family dispute where the family members and some companies which are controlled by the family are also parties. Vide order dated 23rd May, 2023, a statement has been recorded on behalf of the Defendant No.1 in paragraph 5 as under:

“5. At the outset, the learned senior counsel for the defendant no. 1 submits that though the defendant no.1 has executed a Will in respect of his shareholding in various companies, without prejudice to the rights and contentions of the defendant no.1, the defendant no.1 shall not create any third party interest or transfer the shareholding that is held by him in favour of any third party, including any of his family members, till the next date of hearing. ”

4. This order continues to operate till date. An apprehension has been raised on behalf of the father Mr. Surinder Paul Kanwar that certain credit limits would have to be increased in the commercial and business interests of the company for any fresh projects that may be taken upon by the



company. For the said purpose, if any shares have to be pledged, the same ought to be permitted, though, the *status quo* on transfer can still continue.

5. Heard counsel for the parties. This Court is of the opinion that the business interest of the companies ought not to be jeopardised. Even if the Family settlement is implemented the shares would go to the Plaintiff after demise of the father. The sons and the father are Joint Managing Directors of the Company but the shares belong to the father. The value of the share would get diminished if business does not grow.

6. Accordingly, it is made clear that the statement made above shall not come in the way of the company authorising, pledging of the shares of the company with consent by Defendant No.1 and the Plaintiff subject to passing of a board resolution. If the Plaintiff does not give consent to any particular raising of limits or transactions in terms of the above, the Defendant No.1 is free to move the Court by way of an application.

7. List on 15th May, 2024.

8. Interim order to continue.

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9. List on 15th May, 2024.

10. Interim order to continue.

PRATHIBA M. SINGH, J.

MARCH 12, 2024

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