

Asha Rani vs Mukesh Mittal on 7 February, 2019

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CM(M) 133/2019 & CM APPL. 3759/2019
ASHA RANI Petitioner
Through: Mr. Dhruva Bhagat, Adv.

versus

MUKESH MITTAL Respondent
Through: None.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 07.02.2019 CM APPL. 3759/2019 (Exemption) Exemption allowed, subject to just exceptions. CM(M) 133/2019 Vide the present petition, the petitioner submits that despite directions dated 23.12.2015 of the Hon'ble Division Bench of this Court in FAO (OS) 706/2015 directing compliance of directions dated 23.11.2015 in CS (OS) 3813/2014 wherein the defendant to the said suit as it bore the number as pending in this Court, which is now numbered as CS 575244/2016 as now pending before the learned trial Court of the ADJ-03, North-West, Rohini vide which order dated 23.11.2015, was directed to deposit the sum of Rs.20 lakhs which were directed to be deposited by the date 31.03.2016, there has been no compliance of such directions and that despite an application under Sections 10 & 12 of the Contempt of Courts Act, 1971, there has been no consideration of the said application. The copy of the order placed CM(M) 133/2019 page no.1 of 3 on record, which is indicated to have been partially impugned as per averments made in the present petition reads to the effect:

"Asha Rani Vs. Mukesh Mittal 27.11.2018 Present: Plaintiff in person with counsel
Defendant in person.

It is also stated by the counsel for plaintiff that defendant has not complied the orders of Hon'ble High Court dated 23.11.2015 directing the defendant to deposit a sum of Rs.20 lacs in the court within four weeks. It is further submitted that order was challenged by the defendant but was upheld by the Division Bench of Hon'ble High Court vide order dated 23.12.2015. The defendant if desires may comply the said order so that adverse orders against him may be avoided. Matter is passed over awaiting the counsel for defendant so that issues may be settled.

(SUNIL CHAUDHARY) ADJ-o3 (N.W) ROHINI COURTS DELHI: 27.11.2018 12:45 PM Present: Plaintiff in person with counsel None for Defendant.

Submissions for settlement of issues heard. From the pleading and submissions, following issues are framed:-

(1) Whether the plaintiff was ready to comply with the agreement dated 02.12.2011 and has not breached its terms and conditions on her part? OPP (2) Whether the plaintiff is entitled to decree of Rs.20 lacs as prayed? OPP (3) Whether the plaintiff is entitled for interest on the claimed amount? If so, at what rate? OPP (4) Relief.

No other issue arises nor is pressed.

The defendant is granted one week time to comply with the orders failing which his defence will be liable to be struck out CM(M) 133/2019 page no.2 of 3 for non-compliance of the orders of the Court. The counsel for plaintiff has stated that there are no chances for settlement between the parties, as such no use for referring the matter to ADR. List of witnesses be filed by the parties in prescribed format within 30 days from today. Examination in chief of witnesses be filed by way of affidavit with advance copy to the opposite party.

Put up for PE on 15.02.2019.

(SUNIL CHAUDHARY) ADJ-o3 (N.W) ROHINI COURTS DELHI: 27.11.2018"

There is nothing in the said order to indicate that the prayer seeking initiation of contempt proceedings has been considered. In view thereof, the petitioner may make submissions in relation to the said application before the learned trial Court seeking initiation of contempt proceedings which application is directed to be disposed of by the learned trial Court in accordance with law.

The petition is disposed of.

Copy of the order be given Dasti, as prayed.

ANU MALHOTRA, J

FEBRUARY 07, 2019
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CM(M) 133/2019

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