

## Vijay Gupta vs Krishan Babbar & Anr on 21 March, 2018

**Author: Prathiba M. Singh**

**Bench: Prathiba M. Singh**

\$~23 & 24

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ CONT.CAS(C) 825/2017  
VIJAY GUPTA ..... Petitioner  
Through Mr. T. L. Garg and Mr. Rohan Garg,  
Advocates.  
versus  
KRISHAN BABBAR & ANR. .... Respondents  
Through Ms. Babita Tokas and Mr. Gaurav  
Behrawal, Advocates.

AND

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+ RFA 230/2010 & CM No.19433/2017  
KRISHNA BABBAR ..... Appellant  
Through: Ms. Babita Tokas and Mr. Gaurav  
Behrawal, Advocates.  
versus  
VIJAY GUPTA & ORS. .... Respondents  
Through: Mr. T. L. Garg and Mr. Rohan Garg,  
Advocates.

CORAM:  
JUSTICE PRATHIBA M. SINGH  
ORDER

% 21.03.2018

1. Allowed, subject to all just exceptions. Application is disposed of. CONT.CAS(C) 825/2017

2. The present contempt petition has been filed by the Petitioner on the ground that the Respondent has let out the suit property without seeking permission of the Court. While the application CM No.17476/13 filed by Mr. Krishan Babbar, seeking permission to let out was still pending, he has actually gone ahead and leased out the premises to M/s SHR Lifestyle Pvt. Ltd. for a monthly rent of Rs.1.15 Lakhs since July, 2017.

3. Learned counsel for the Respondents, who has put in appearance today, submits that he has been recently engaged but he has been informed by the Respondents that the shop is in the possession of the Respondents and it has not been given on rent. This court is of the opinion that a Local Commissioner needs to be appointed to ascertain as to who is in possession of the suit property.

4. Ms. Archana Roy, Advocate (M:9560870760), Chamber No.191, Patiala House Court, Delhi, who is present in court, is appointed as the Local Commissioner. She is directed to visit the suit premises bearing No. E-2/3, Malvia Nagar, New Delhi to ascertain as to who is running the shop under the name and style M/s. SHR Lifestyle Pvt. Ltd. She shall also ascertain as to who is the shareholder and director of the said company. She shall obtain a copy of the lease deed, if any, entered into by SHR Lifestyle Pvt Ltd.

5. Report be filed within two weeks. The fee of the Local Commissioner is fixed at Rs.20,000 (Rupees Twenty Thousand Only) to be equally shared by both the parties. The commission will be executed on or before 24th March, 2018.

6. Reply to the contempt petition be filed within two weeks. Rejoinder be filed within two weeks thereafter. The Local Commissioner shall furnish the copy of the report to both the parties.

7. List on 21st May, 2018.

RFA 230/2010 & CM No.19433/2017

8. List on 21st May, 2018. On the next date of hearing, main appeal and the contempt petition shall be taken up for hearing. Copy of the order be given dasti under signature of the Court Master.

PRATHIBA M. SINGH, J.

MARCH 21, 2018/rr