

Suman Singh Virk & Anr. vs Deepika Prashar & Anr. on 8 April, 2025

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision

+ CONT.CAS(C) 521/2025 & CM APPL. 19783/2025

SUMAN SINGH VIRK & ANR.

Through: Mr. Anirudh Bhatia and
Sethi, Advocates.

versus

DEEPIKA PRASHAR & ANR.

Through: Mr. Sanjay Gupta and
Sharma, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

2. This contempt petition has been filed on behalf of the Petitioners- Suman Singh Virk and Sushma Chowdhry under Sections 11 and 12 of the Contempt of Courts Act, 1971 inter alia seeking initiation of contempt proceedings against the Respondents-Deepika Prashar and Shaurya Prashar for wilful violation of order dated 19th November, 2024 passed in RFA (OS) No. 61/2024.

3. In the present contempt petition, the grievance of the Petitioners is that access to the 4th floor portion of property bearing no.L-1/8, N.D.S.E.-II, New Delhi-110049 (hereinafter, 'subject property'), is not being granted by the Respondents, though the admitted position is that there is a common main door in the subject property through which both parties have access to the 4th floor.

4. The contempt is being alleged of the order dated 19th November, 2024 passed in RFA (OS) No. 61/2024, which reads as under:

"3. This is an application filed by the appellants seeking modification of the order dated 08.11.2024 passed by this Court.

4. Learned counsel for the appellants submits that this Court while issuing notice in the appeal had directed that operation of the impugned order will remain stayed till

the next date of hearing subject to the appellants depositing arrears of damages @ Rs.48,000/- per month w.e.f. 07.01.2015 as also continuing to pay the very same amount on a monthly basis on or before the 7th of every month till further orders of this Court. He submits that however, paragraph 12 of the said order, inadvertently records that the amount to be deposited by the appellants would include interest as awarded under the impugned judgment. This, he contends, was never the intension of the order passed by this Court.

5. Learned counsel for the respondents, who appears on advance notice, does not dispute this position. He, however, submits that by taking shelter under this interim order passed by this Court, the appellants have started issuing baseless Legal Notice to the respondents thereby harassing them. He, therefore, submits that the appellants be directed to immediately withdraw the Legal Notice sent by them and assure the Court that access to the common main door of the 4th floor will be provided to the appellants by providing an additional key(s) to them.

6. Having considered the submissions of the parties, we dispose of the application by directing that paragraph 12 of the order dated 08.11.2024, will now read as under:-

"12. Subject to the appellants depositing with the Registrar General of this Court the amount in terms of paragraph 82 of the impugned judgment i.e. damages @ Rs. 48,000/- per month w.e.f.

07.01.2015, within a period of eight weeks and continuing to deposit the same on or before seventh of every month till further orders from this Court, the operation of the impugned judgment will remain stayed till the next date of hearing."

7. Further, we direct the respondents to ensure that the appellants are given access to the common main door to the 4th floor which happens to be a common for the two portions therein.

8. Needless to say, the appellants will not be entitled to part with the possession of the subject property or create any third party rights in the said portion of the property."

5. It is the allegation of the Petitioners that on 31st March, 2024 their house staff attempted to access their portion of the top floor of the subject property. However, despite Court's orders, the Respondents have denied access to the same.

6. Further, it is submitted by ld. Counsels that the main judgment is pending for consideration in RFA (OS) 61/2024.

7. The only issue in this petition, is for granting access to the Fourth Floor which has two portions - one which has been rented out by the Respondent and one portion which belongs to the Petitioner. Ld. Counsel for the Respondent submits that they have no objection in giving access but it is only a question of logistics as the tenant has to open the door and give access through their premises to the Petitioner.

8. On the basis of the submissions made, it is clear that only an arrangement needs to be put in place to give effect to paragraph No.7 of the order dated 19th November, 2024. Accordingly with the consent of Id. Counsels for both the parties, the following arrangement is put in place:

(i) Whenever the Petitioners wish to access their portion of the 4th Floor of the subject property, they would send a WhatsApp message to any of the Respondents on the previous evening. The said Respondent upon receiving the WhatsApp message would inform their tenant who is residing on the 4th Floor of the subject property, to give access of the same on the date convenient for the Petitioners representative/domestic help who may want to access the said floor for the purpose of cleaning, etc.

(ii) In the said whatsapp message, the Petitioners are directed to mention the name of the concerned person who is to be given access on behalf of the Petitioners.

(iii) It is made clear that access to the subject property in terms of the order dated 19th November, 2024 shall not be stopped in any manner either by the Respondents or by the tenants residing therein, so long as prior intimation has been provided by the Petitioners, in terms of this order.

9. Accordingly, the present contempt petition is disposed of in above terms. All the pending applications, if any, also stand disposed of.

PRATHIBA M. SINGH JUDGE RAJNEESH KUMAR GUPTA JUDGE APRIL 8, 2025/MR/rks