

**Court No. - 4**

**Case :-** CONTEMPT APPLICATION (CIVIL) No. - 3368 of 2023

**Applicant :-** Kanchan Chaudhary And Another

**Opposite Party :-** Nirankar Dev

**Counsel for Applicant :-** Abhishek Srivastava

**Counsel for Opposite Party :-** Raj Priya Srivastava, Ambuj Kumar

**Hon'ble Rajesh Singh Chauhan, J.**

1. Heard.

2. This Court has passed the order dated 07.11.2023, which reads as under:-

*"1. Heard.*

*2. This Court has passed order dated 06.10.2023, which reads as under:-*

*"1. Heard learned counsel for the petitioners.*

*2. Learned counsel for the petitioners has stated that the sole opposite party has given undertaking before the Division Bench of this Court in Criminal Misc. Writ Petition No.6751 of 2022 on 31.10.2022 to the effect that he shall settle the dispute with the present petitioners before the Mediation & Conciliation Centre of this Court and in terms of the undertaking so given by the present petitioners they deposited Rs.Five Lakhs in the Mediation & Conciliation Centre and paid Rs.Ten Lakhs to the sole opposite party. The sole opposite party has received the aforesaid amount i.e. Rs.Fifteen Lakhs.*

*3. Learned counsel for the petitioners has also stated that the aforesaid amount should have been paid to the sole opposite party, therefore, in compliance of their undertaking they deposited the aforesaid amount. However, before the Mediation & Conciliation Centre of this Court the sole opposite party did not co-operate and mediation failed, resultant thereof, the petitioners are bound to face the criminal case.*

*4. Learned counsel for the petitioners has further submitted that when the sole opposite party had given undertaking before the Court to settle the dispute amicably then that should have been settled amicably inasmuch as the outstanding dues, which should have paid to the sole opposite party have been paid by the petitioners, then sticking on his own undertaking the sole opposite party should have settle the dispute before the Mediation & Conciliation Centre.*

*5. The matter requires consideration.*

*6. Let the notice be issued to the sole opposite party returnable at an early*

*date, for which, necessary steps be taken within a week.*

*7. Office to proceed accordingly.*

*8. List this case on 07.11.2023 within top ten cases.*

*9. If the notice is served upon the sole opposite party, he shall appear in person before this Court on the next date to explain as to why the compliance of order dated 31.10.2022 passed by this Court in Criminal Misc. Writ Petition No.6751 of 2022 has not been done in its letter and spirit."*

*3. Sri Raj Priya Srivastava, learned counsel for the opposite party, has filed application for exemption of personal appearance of the sole opposite party alongwith Vakalatnama, the same is taken on record.*

*4. In the aforesaid affidavit, the real brother of the contemnor is the deponent, who has stated that the contempt notice has been received by him and his brother, the contemnor, is ready to make compliance of the order of the writ court in its letter and spirit, but today, he is unable to appear before the Court for the reason that he is presently serving at Tripura. Learned counsel has stated that on the next date, the sole contemnor shall appear in person and shall file affidavit of compliance.*

*5. In view of the above, the aforesaid application is allowed.*

*6. The case is adjourned for today.*

*7. List on 28.11.2023.*

*8. On that date, the sole contemnor shall either file affidavit of compliance or shall appear in person.*

*9. When the case is next listed, name of Sri Raj Priya Srivastava shall be printed in the cause list as counsel for the opposite party."*

**3.** In compliance of the aforesaid order, Sri Raj Priya Srivastava, learned counsel for the opposite party has filed affidavit of compliance, the same is taken on record.

**4.** In the aforesaid affidavit of compliance, vide paras-3 and 4 it has been indicated that the amount in question has been returned to the petitioner and the compromise has been entered into between the parties, as copy of the compromise has been provided to the learned counsel for the petitioners.

**5.** Sri Raj Priya Srivastava, learned counsel for the opposite party has stated that on the basis of the aforesaid compromise, the matter may be finalized.

**6.** Having regard to the aforesaid facts, I find no purpose to keep this contempt petition pending any longer.

**7.** Accordingly, the instant contempt petition is **dismissed**.

**8.** Notice, if any, stands discharged.

**9.** However, it is always open for the parties to get appropriate order from the competent court of law on the basis of aforesaid compromise.

**[Rajesh Singh Chauhan,J.]**

**Order Date :- 28.11.2023**

Suresh/