

COCN No.1312 of 2014

Date of Decision: September 16, 2016

Surinder Kapoor

.....Petitioner

Versus

Vinod Kapoor

....Respondent

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**Present: Mr. Sunil Garg, Advocate  
for the petitioner.Mr. Sandeep Punchhi, Advocate  
for the respondent.**AUGUSTINE GEORGE MASIH, J. (ORAL)**

The present contempt petition has been filed by the petitioner, alleging non-compliance of the order passed by this Court on 16.08.2013 (Annexure P-2). As per the said order in CM No.14118-CII of 2013 in Arbitration Case No.96 of 2012 (*Surinder Kapoor Vs. Vinod Kapoor*), a compromise has been entered into between the parties and on the basis of the said compromise, the Arbitration petition No.96 of 2012 was disposed of by this Court vide order dated 25.04.2013. The application for clarification of the order was disposed of by this Court vide order dated 16.08.2013 by passing the following order:

*“On the basis of consent given by the applicant and non-applicant, who are brothers, the matter was disposed of on 25.04.2013. This application has been filed for clarification of the said order.*

*After hearing counsel for the parties, paragraph 4 is substituted in the order as under:*

*“4. Today, both the brothers are present in Court and have graciously agreed to a settlement. It is decided that Mr. Vinod Kapoor (respondent) shall dissolve the firm i.e. 'M/s Kapoor Mill Store' and for dissolution of that firm, he will prepare the papers which shall be signed by Mr. Surinder Kapoor (petitioner). At the time of signing those papers, respondent Vinod Kapoor shall pay an amount of ₹1,50,000/- through a bank draft to the petitioner Surinder Kapoor towards full and final settlement of the dispute between them arising out of the firm in question. No party shall raise any claim against each other in future so far as the dispute involved in this petition is concerned. The respondent Vinod Kapoor shall prepare the papers within 15 days from today and present them for signing before the petitioner (Surinder Kapoor).”*

*No objection has been made to the above para by both the parties.*

*CM stands disposed of.”*

The petition came up for hearing on 07.09.2016, when the case was adjourned and the following order was passed:-

*“Counsel for the respondent has produced a demand draft of ₹1,50,000/- dated 03.09.2016, drawn on State Bank of India, Rajkot, in favour of petitioner-Surinder Kapoor. A dissolution deed has also been produced but the same does not fulfill the mandate of the agreement, contempt of which is alleged. He, thus, prays for a short adjournment to prepare the correct dissolution deed without there being any rider therein and produce the same on 14.09.2016.*

*List on 14.09.2016.*

*The demand draft as well as the dissolution deed produced in Court today are returned to the counsel for the respondent.*

*To be shown in the urgent list.”*

In compliance with the above observations of the Court and the objection which was raised by the counsel for the petitioner, respondent has now produced the requisite deed and on perusal whereof, the Court is satisfied that it fulfills the parameters of the order passed by this Court on 25.04.2013, as clarified vide order dated 16.08.2013. However, the petitioner, who is present in Court, has refused to sign the same and, thus, he would not be even entitled to the demand draft of ₹1,50,000/- dated 03.09.2016 as presented by the respondent in Court today. Since the petitioner has himself backed out of the mandate of the order dated 16.08.2013, he cannot, therefore, allege non-compliance on the part of the respondent.

The contempt petition, therefore, stands dismissed.

Rule issued to the respondent stands discharged.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**September 16, 2016**

*ps-I*

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No