

\$~2 & 3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 285/2016, C.M. APPL.11033/2016**

M/S NARANG MEDICINE COMPANY Petitioner

Versus

SWARN LATA AGARWAL & ORS Respondents

+ **RFA(OS) 135/2015, C.M. APPL.14921/2016**

M/S NARANG MEDICINE COMPANY Appellant

Versus

SWARN LATA AGARWAL AND ANR Respondents

Through : Sh. Krishnan Venugopal, Sr. Advocate
with Sh. Anshu Mahajan, Sh. Shivender Singh, Sh.
Vikas Aggarwal and Sh. Karan Arora, Advocates,
for petitioners, for Item Nos. 2 and 3.

Sh. Parag Tripathi, Sr. Advocate with Sh. Krishna.
M. Singh, Ms. Karika Tandon and Sh. Shikhar
Khare, Advocates, for Respondents.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

% **23.05.2016**

CONT.CAS(C) 285/2016 & C.M. APPL.11033/2016

The petitioner seeks intervention of the Court for initiation of contempt proceedings. It is urged that on 23.12.2015, a statement was made on behalf of the respondent/Decree Holder that the Warrant of

Possession would not be executed. Learned senior counsel pointed out that even at the time of making the statement, or contemporaneously at least, the Decree Holder did not have any intention of honouring it. He relied upon the application moved immediately after the statement was made (for breaking open the locks of the premises); a copy of which was served upon the contempt petitioners' counsel on 24.12.2015. It is submitted that the application for breaking open of the locks was listed on 11.01.2016 in Ex.P.502/2015. On that day, the parties sought adjournment on the grounds that they had entered into a compromise/settlement to resolve the disputes. Learned counsel also relied upon the memorandum of understanding dated 09.01.2016 in this regard and stated that this was also indicated to the Division Bench in the pending appeal on 12.01.2016. Learned senior counsel submits that in the light of these circumstances, the Decree Holder should not have pursued the application in the pending execution proceedings and sought for the enforcement of the Warrant of Possession. Learned counsel relied upon the order dated 16.02.2016 in this regard.

This Court has considered the submissions. Whilst there can be no dispute that on 23.12.2015, the Decree Holder did submit that the Warrant of Possession would not be enforced, at the same time, the Court also notices that on the subsequent two dates of hearing, the contempt petitioner does not appear to have taken exception to the filing of the application for breaking open the locks. In any event, this Court also notices that on 22.02.2016, the respondent/Decree Holder was directed not to take any coercive action. In these circumstances,

the Court is not satisfied that contempt proceedings are appropriate and ought to be initiated. It is accordingly dismissed along with the pending application.

RFA(OS) 135/2015, C.M. APPL.14921/2016

List on 19.07.2016.

Interim order shall continue.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

MAY 23, 2016
‘ajk’