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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 937/2013**

MR KAPIL CHOPRA Petitioner
Through: Mr. Rakesh Mukhija, Adv.

versus

MR RAHUL RAO & ORS Respondents
Through: Mr. Roopansh Purohit, Adv. for R-1 to 5
Mr. Arvind Chaudhary, Adv. for R-6 to 8

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **22.09.2016**

The present contempt petition has been filed alleging wilful disobedience of the order dated 20th November 2013 passed by a Division Bench of this Court in FAO(OS) 517/2013 whereby it was agreed between the parties that the collections made by the agents- M/s. Shriram Infravision Pvt. Ltd., M/s. Sukhnanda Enterprises, M/s. ANA CNG Station, Shri Rahul Rao and Shri Brahm Prakash would be deposited in Current A/c No.1522002100031636 of the Punjab National Bank's Branch at Rajendra Place, New Delhi in the name of M/s Haryana City Gas Distribution Ltd.

Learned counsel for the petitioner states that though the aforesaid order was brought to the notice of respondents No.1 to 8, yet the respondents have failed to comply with the order.

However, this Court finds that before the Division Bench, respondent Nos. 1 to 8 were not parties when the order dated 20th November, 2013 was passed. In fact, the order was a result of the consensual understanding arrived at between the parties, viz., Mr. Kapil Chopra and Mr. Satish Chopra. It was open to the said parties to incorporate appropriate clauses/covenants in the agreements to be executed with respondent Nos. 1 to 8. Consequently, this Court is of the opinion that the contempt proceedings cannot be initiated against respondent Nos. 1 to 8 as they were not parties to the said litigation.

As far as respondent No. 9 is concerned, this Court is informed that a settlement has been arrived at between the parties subsequent to the filing of the present contempt petition.

In view of the aforesaid settlement, this Court is of the opinion that it cannot proceed against respondent No. 9. However, it is clarified that if the petitioner has any other remedies under the contract against respondent Nos. 1 to 9, he is at liberty to pursue the same. The rights and contentions of all parties are left open.

With the aforesaid observations and clarification, the present contempt petition stands disposed of.

MANMOHAN, J

SEPTEMBER 22, 2016
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