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

+ **FAO(OS) 18/2016**

INDIA-CIS CHAMBER OF COMMERCE & INDUSTRY Appellant

Through : Mr Rakesh Tiku, Sr Advocate with Mr R. K.
Saini and Mr Sandeep Kumar

versus

DR JYOTSNA CHAUDHRI & ORS

..... Respondents

Through : Ms Neelam Rathore with Ms Puja Jain

CORAM:

HON'BLE MR. JUSTICE BADAR DURREZ AHMED

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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19.01.2016

CAV 54/2016

The learned counsel for the respondent/ caveator is present.

The caveat stands discharged.

CM 1995/2016

Allowed subject to all just exceptions.

FAO(OS) 18/2016 & CM 1994/2016

This appeal has been preferred against the order dated 24.11.2015 in IA Nos. 24244/2015 and 24245/2015.

The main grievance of the appellant is with regard to the interpretation to be placed on the earlier order dated 04.08.2015. It is the contention of the learned counsel for the appellant that paragraph 1 of the said order dated 04.08.2015 was not a consent order, but was a direction given by the Court, which could not have been given since, according to the learned counsel for the appellant, a Civil Court cannot stay criminal proceedings.

We have also heard the learned counsel for the respondent/ caveator. On going through the impugned order, it is evident that the learned Single Judge himself has indicated that the entire order was a consent order, which included paragraph 1 of the order dated 04.08.2015. When the learned Single Judge, who passed the order dated 04.08.2015, himself states in the impugned order that paragraph 1 was also by the consent of the parties, no dispute can be raised on that issue.

We also do not agree with the learned counsel for the appellant that the contents of paragraph 1 of the order dated 04.08.2015 amounts to the Civil Court staying the criminal proceedings. There is no stay granted by the learned Single Judge. It has only recorded the consent on the part of the appellant not to pursue the complaint dated 12.06.2015 till the new governing body of the society – India-CIS Chamber of Commerce and Industry – comes into place after an election. It was agreed to by the parties that after the new governing body comes into place, it would take a call whether to continue the criminal complaint or not.

Therefore, on both counts, the contention of the learned counsel for the appellant is untenable. There is no merit in this appeal. The same is dismissed.

BADAR DURREZ AHMED, J

**JANUARY 19, 2016
SR**

SANJEEV SACHDEVA, J