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

+ **CONT.CAS(C) 203/2014**

MS MONICA MAITRA

..... Petitioner

Through Mr.Manu Beri, Advocate.

versus

SUDIP KUMAR LAHIRI & ANR

..... Respondents

Through Mr.P.B.Dewan, Advocate for R-1.
Mr.P.D.Gupta, Sr.Advocate with
Mr.Abhishek Gupta, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **09.03.2017**

Mr.P.D.Gupta, learned senior counsel for respondent no.2 raises a preliminary objection to the maintainability of the present contempt petition on the ground that the petitioner has an alternative effective remedy by way of execution proceedings.

He contends that in view of the undertaking as well as the application under Order XXIII Rule 3, CPC having been allowed by the Appellate Court, a compromise decree stood passed. According to him, the same is executable. In supports of his submission, he relies upon a judgment of a Coordinate Bench of this Court dated 25th November, 2011 in *Dr.N.P.S. Chawla Vs. State & Ors; Execution Petition No.206/2011*.

Mr.Gupta as well as Mr.P.B.Dewan, learned counsel for respondent no.1 assure and undertake to this Court that the

respondents are even today ready and willing to sell the property and will not raise any unnecessary objections before the Executing Court.

Keeping in view the aforesaid contentions and statements, learned counsel for the petitioner, on instructions of the petitioner who is personally present in Court, wishes to withdraw the present petition with liberty to file the execution proceedings in the appropriate forum.

Since the present proceedings have been pending before this Court for more than three years, this Court directs the Executing Court to decide the execution application as and when filed by the petitioner as expeditiously as possible.

With the aforesaid directions, present contempt petition stands disposed of.

MANMOHAN, J

MARCH 09, 2017
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