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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 202/2017 & CM APPL. 9449/2017

NRIPENDRA KUMAR AGGARWAL Petitioner
Through: Mr. K.R. Chawla, Advocate with
petitioner in person.

versus

SURINDER LAL AGGARWAL Respondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER

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08.03.2017

CM Appl. 9449/2017 (exemption) in Cont.Cas(C) 202/2017

Allowed, subject to just exceptions.

Cont.Cas(C) 202/2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 09th May, 2016 passed by a Division Bench of this Court in RFA(OS)161/2014 wherein it was declared that the respondent is not entitled to lock the front gate of the property bearing No.61/30, Ramjas Road, Karol Bagh, New Delhi-110005. It was further clarified that it is open to the parties to share a common lock.

Mr. K.R. Chawla, learned counsel for petitioner states that despite the aforesaid order, respondent is not allowing the petitioner to use the common passage. He further states that the respondent keeps the main gate of the

aforesaid property locked and has not given the keys of the main gate to the petitioner despite repeated requests.

In the opinion of this Court, the RFA(OS) 161/2014 was in continuation of the original proceedings and by virtue of the Division Bench order, the decree dated 17th October, 2014 passed by the trial Court stands modified.

Consequently, this Court is of the view that the petitioner has an alternative effective remedy by way of execution proceedings.

Accordingly, present contempt petition is disposed of with liberty to the petitioner to file execution proceedings.

MANMOHAN, J

MARCH 08, 2017

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