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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 17/2016, CM No. 31794/2017**
LALIT KUMAR SHARMA

..... Petitioner

Through: Mr. G.S. Sondhi, Adv.

versus

BHARAT KUMAR

..... Respondent

Through: Mr. Anuj Soni, Adv.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **14.05.2018**

CM No. 31794/2017

This is an application filed by the respondent for filing the additional documents on record. For the reasons stated in the application, the application is allowed and disposed of. Additional documents are taken on record.

CONT.CAS(C) 17/2016

The present contempt petition has been filed alleging violation of order dated September 20, 2012 passed by the Coordinate Bench of this Court in CM (M) 1468/2010 whereby the Court had disposed of the said petition on the following terms:-

“Now, at this stage, it is stated by learned counsel for the respondent that with regard to arrears of amount from the time of letting out of the ground floor of the premises, the respondent be permitted to furnish Bank Guarantee or Indemnity Bond. That is acceptable. Thus, the respondent will furnish a Bank Guarantee or an Indemnity Bond before the Trial Court of the arrears amount, on the next date of hearing i.e on 5.10.2012 and he shall also keep depositing ₹10,000/- per month in the Trial Court, as indicated above, without prejudice of the parties, till the final disposal of the suit. The issue regarding these deposits will be decided by the Trial Court depending upon the outcome of the case.”

Learned counsel for the respondent states that the respondent has furnished an Indemnity Bond as directed by this Court with regard to the arrears amount. This aspect is accepted by the learned counsel for the petitioner. The learned counsel for the respondent also states, an amount of ₹60,000/- in the form of two FDRs have been deposited in the Court below. In this regard, he draws my attention to page 86 of the paper book, which shows the copies of the FDRs of the South Indian Bank Ltd. This position is also accepted by the learned counsel for the petitioner.

During the hearing, I have been informed the respondent had filed an SLP before the Supreme Court against order dated September 20, 2012. It is also stated that the Supreme Court had initially stayed the operation of the order dated September 20, 2012. On May 06, 2015, the SLP was dismissed. The question now arises is, whether the respondent is required to deposit the

arrears of ₹10,000/- per month in the Trial Court pursuant to the direction of the Court for the period March 11, 2013 till March 31, 2015, i.e one day before the petitioner had withdrawn the suit. The learned counsel for the respondent states, the respondent is ready and willing to give an indemnity bond for an amount of ₹2,50,000/- (the arrears for that period).

The learned counsel for the petitioner is agreeable to this submission of the learned counsel for the respondent. If that be so, it is made clear that the indemnity bond shall be furnished before the Trial Court on or before May 31, 2018. Suffice to state, the deposit/indemnity bond shall be governed by the order dated September 20, 2012.

A submission is made that as the suit is pending for the last 13 years, a direction be given for early disposal. Liberty is with the parties to make a request to the concerned Court where the suit is pending. Learned counsel for the parties state, in view of the aforesaid order, contempt petition be closed. Ordered accordingly.

V. KAMESWAR RAO, J

MAY 14, 2018/ak