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

+ MAC.APP. 189/2018

NITISH KUMAR & ANR. Appellants

Through: Mr.Sunil Kumar, Advocate

versus

BABITA Respondent

Through: Respondent in person

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **30.11.2018**

1. The appellants deposited 20 cheques for Rs.25,000/- each with this Court in terms of the order dated 20th July, 2018. The appellants also gave an undertaking that all the cheques shall be honoured on their first presentation and the undertaking was accepted by this Court on 20th July, 2018.

2. As per the report of the Registry, the first four cheques have dishonoured due to insufficient funds.

3. The appellants are present in Court along with their counsel and submit that they do not have the funds to pay in lieu of the four dishonoured cheques. The appellants however give fresh undertaking that the balance 16 cheques shall be honoured on their first presentation. The appellants further submit that they will make payment in respect of the four dishonoured cheques after clearance of the balance 16 cheques.

4. This court is of the view that the appellants have committed breach of the undertaking given to this Court on 20th July, 2018. In that view of the matter, show cause notice is hereby issued to the appellants as to why the

proceedings for contempt of Court be not initiated against the appellants. The appellants accept notice.

5. List the contempt petition for consideration on 20th December, 2018 at 2:30 PM.

6. In the interest of justice, the appellants are granted three weeks' time to purge the contempt and deposit Rs.1,00,000/- in lieu of the four dishonoured cheques with the Registrar General of this Court within three weeks failing which the appellants shall be liable to be taken into custody on the next date of hearing.

7. SHO, PS Tilak Marg shall remain present in Court on the next date of hearing. Copy of this order be sent to the S.H.O., P.S. Tilak Marg.

8. Copy of this order be given *dasti* under signatures of the Court Master to both the parties.

J.R. MIDHA, J.

NOVEMBER 30, 2018

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