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

+ **CONT.APP.(C) 4/2019**

UJJAL WADHAWAN

..... Appellant

Through: Mr. Amit Sibal, Senior Advocate with
Ms. Jyoti Taneja, Mr. Nikhilesh
Kumar, Mr. Aishwarya and Mr. R.S.
Dalal Advocates

versus

PANNA DHINGRA

..... Respondent

Through: None

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

05.07.2019

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CM APPL. 29745/2019 (Exemption)

1. Exemption allowed subject to all just exceptions.

CONT.APP.(C) 4/2019 and CM APPL. 29744/2019 (Stay)

2. This is an appeal against the order dated 6th June, 2019 passed by the learned Single Judge in Cont. Case (C) No. 338 of 2019 rejecting the objections raised by the present Appellant (who is the contemnor in the above proceedings) to the maintainability of the Contempt Petition.

3. It must be noted at the outset that the learned Single Judge has listed the contempt petition for hearing on merits on 8th July, 2019 before the Roster Bench. In other words, only issue of maintainability has been decided and not the merits of the matter. The explanation that the Appellant may have in response to the notice issued is yet to be considered.

4. At this stage, Mr. Amit Sibal, learned Senior Advocate for the Appellant, on instructions, states that the Appellant, during the pendency of the appellant's application before the Family Court under Order 39 Rule 4 CPC for vacating the injunction granted by the Family Court, will not pursue the proceedings (FM Docket) instituted by him against the Respondent in the Court in the United States of America (USA).

5. We permit the Appellant to make this very statement again before the Contempt Court where the matter is listed on 8th July, 2019 for the said Court to take note of the fact and consider it appropriately in the facts and circumstances of the case.

6. In the circumstances, this Court is not inclined to interfere with the impugned order in so far as it rejects the objections to the maintainability of the Contempt petition. However, the questions of law that arise from the impugned order are left open for consideration in some other appropriate case.

7. The appeal is dismissed. The pending application also stands disposed of.

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

S. MURALIDHAR, J.

TALWANT SINGH, J.

JULY 05, 2019/PB