

\$~20.

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

+ MAT.APP.(F.C.) 81/2014 and CM APPL. 50029/2019, 14970/2019
and 35189/2019

NIBEDITA KAR

..... Appellant

Through: Mr. Amitesh Kumar, Ms. Binisa
Mohanty and Ms. Priti Kumari, Advocates with
the appellant in person.

versus

HIRANMAY KAR

..... Respondent

Through: Respondent in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **14.01.2020**

1. This order is in continuation of the orders dated 19.12.2019 and 23.12.2019.
2. On 23.12.2019, Mr. Chawla, learned counsel for the respondent had stated that his client could not make compliances of the order dated 19.12.2019, as the said order was not available on the website of the High Court and the exact requirements to be complied with, were not clear. He had assured the court that the respondent will be filing the affidavit in terms of the order dated 19.12.2019 on the court re-opening, by 07.01.2020. He had further stated that in the meantime, the respondent shall execute a Gift Deed in respect of the flat in question in favour of the minor son of the parties, before 07.01.2020.

3. Neither of the aforesaid undertakings have been discharged by the respondent. Not only has the affidavit not been filed by him, even the Gift Deed in respect of the flat has not been executed so far.
4. Mr. Amitesh Kumar, learned counsel for the appellant states that while applying to the Registrar of Assurances for executing the Gift Deed the respondent has deliberately mis-described the property in question. Not only that, even the surname of the appellant has been wrongly mentioned by referring to her maiden surname. The mobile number of both the parties has been wrongly filled in by the respondent. Even the complete addresses of the parties have not been furnished by the respondent.
5. The respondent, who appears in person today, states that his counsel is indisposed and unable to appear in court. He seeks to explain that he could not file the affidavit as directed, because he could not take timely steps to execute the Gift Deed in favour of his son.
6. The respondent has no one else but himself to blame for the situation. We are getting an impression that the respondent is deliberately trying to evade compliance of the orders passed by this court. However, as the respondent assures this court that he shall execute the Gift Deed in respect of the subject premises, as undertaken by him, in favour of the minor son of the parties if granted further time, we are refraining from passing any adverse orders against him today.
7. The respondent is granted time upto 11.02.2020, to make compliances of the order dated 19.12.2019. Non-compliance shall be viewed seriously by the Court.

8. Since both, the appellant and the respondent, are present in court and the respondent claims he has not been able to furnish the correct particulars of the property etc. in the Gift Deed proposed to be executed by him in favour of his son, the respondent shall seek the necessary particulars from the appellant today itself.

9. List on 20.02.2020, to await compliance.

HIMA KOHLI, J

ASHA MENON, J

JANUARY 14, 2020

Rkb/NA