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

+ CON. CAS(C) 87/2020, CM No. 4137/2020

+ CON. CAS(C) 88/2020, CM No. 4138/2020

JAMNA DATWANI

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..... Petitioner

Through: Mr. Deepak Khosla, Adv.

versus

JANAK DATWANI AND ORS.

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..... Respondents

Through: Mr. Abhimanyu Mahajan,
Ms. Anubha Goel, Ms. Tanisha Bawa
and Mr. Mayank Joshi, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **07.02.2020**

CM No. 4137/2020 (for exemption) in CON. CAS(C) 87/2020

CM No. 4138/2020 (for exemption) in CON. CAS(C) 88/2020

Exemptions allowed subject to all just exceptions.

Applications stand disposed of.

CON. CAS(C) 87/2020

CON. CAS(C) 88/2020

1. The present contempt petitions have been filed by the petitioner alleging violations of orders dated May 02, 2014 and May 16, 2014 passed by this Court in FAO (OS) 592/2013 and FAO (OS) 593/2013. At the outset, Mr. Khosla, learned counsel appearing for the petitioner states that contempt petition filed in FAO (OS) 592/2013 would suffice the purpose

and he shall withdraw the contempt petition in FAO (OS) 593/2013. If that be so, the contempt petition being CON. CAS(C) 88/2020 in FAO (OS) 593/2013 is dismissed as withdrawn.

2. As stated above, the allegation in the contempt petition is of violation of the directions given by this Court in the orders dated May 02, 2014 and May 16, 2014.

3. In substance, it is his submission that the respondent No.1 is not allowing the petitioner to use / reside in the room / area as directed by this Court in the said orders. The respondent No.1 has made structural changes in the property in question. It is also his submission that even the amount of Rs.5 Lacs in terms of para 15 has not been fully paid by respondent No.3. He has clarified that only an amount of Rs.3,50,000/- has been paid. Further, the amount of Rs.35,000/- has also not been paid by the said respondent No.3.

4. Insofar as the submission of Mr. Khosla that the respondent No.1 is not allowing the petitioner to use / reside in the room / area in question as per the orders dated May 02, 2014 and May 16, 2014, Mr. Mahajan, learned counsel appearing for the respondent No.1 on advance notice, contest the same and states that his client has never violated the orders passed by this Court. He also states that there are no structural changes, only a dining table is kept in the room, which is to be occupied by the petitioner. He also states that the petitioner is welcome to use / reside in the room / area as directed by this Court in the orders dated May 02, 2014 and May 16, 2014.

5. During the course of hearing, Mr. Khosla has stated that additional CCTV camera has been installed overseeing the room to be occupied by the petitioner. Mr. Mahajan shall take instructions on that.

6. Noting the submissions made by the learned counsel for the parties, which also include the submission by Mr. Mahajan that the orders dated May 02, 2014 and May 16, 2014 have not been violated and the petitioner is welcome to use / reside in the room / area, we deem it appropriate to re-notify the matter on March 13, 2020.

7. In the meantime, notice shall be issued through all modes including e-mail to the respondent No.3 and his counsel, returnable on March 13, 2020.

V. KAMESWAR RAO, J

ANU MALHOTRA, J

FEBRUARY 07, 2020/aky