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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.APP.(C) 57/2023 & CM APPL. 62360/2023,**
CM APPL. 62361/2023

MUNNIDEVI

..... Appellant

Through: Ms. Archana Shahi, Adv.

versus

JAI BHAGWAN SHARMA

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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25.01.2024

CM APPL. 62360/2023

Allowed, subject to just exceptions.

Application disposed of.

CONT.APP.(C) 57/2023 & CM APPL. 62361/2023

1. The impugned order against which the appeal has been filed, reads as under:-

“1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the judgment and order dated 24.07.2018 passed in RFA No. 567/2018 and for not complying with the undertaking dated 08.08.2018 given before this Court.

2. On 24.07.2018, this Court recorded that the respondent shall file an undertaking to vacate and hand over physical possession of the suit property i.e. 50 sq. yds. in property bearing No. F-163, Laxmi Nagar, Delhi-110092 to the petitioner.

3. The respondent is present in Court and has handed over



physical possession of the above premises to the petitioner today. However, she states that one fridge, two beds, one ceiling fan, one water pump and other materials are lying in the premises. Only for the limited purpose of removing the same, she will visit the premises on 05.10.2023 at 12:30 pm to take out the above belongings. Except for removing the articles, the possession of the entire premises has been handed over to the petitioner in Court today.

4. Since the suit property has been handed over to the petitioner, the respondent states that she will also withdraw her Criminal Complaint Case bearing No. 3140/2018, PS Shakarpur, Delhi.

5. In case the articles are not removed on 05.10.2023, the petitioner will be entitled to sell them on 06.10.2023.

6. In view of the above, the contempt petition is disposed of.”

2. In view of the provision of Section 19 of the Contempt of Courts Act, 1971, read with the judgment in the case of ***D.N. Taneja v. Bhajan Lal***, (1988) 3 SCC 26 and ***Midnapore Peoples' Coop. Bank Ltd. v. Chunilal Nanda***, (2006) 5 SCC 399, the present appeal is not maintainable.

3. The petition along with pending application is dismissed.

4. Liberty is with the appellant to seek such remedy as available in accordance with law.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 25, 2024/ds