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

+ **CONT.CAS(C) 1403/2024**

SATYA PAL LAMBA

.....Petitioner

Through: Mr. Harry Chhibber & Mr.
Arjun Goyal, Advs.

versus

SH VED PRAKASH LAMBA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

04.09.2024

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CM APPL. 51260/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner is seeking initiation of contempt proceedings against the respondent for the alleged wilful disobedience of the directions of this Court passed *vide* judgment dated 02.02.2024 in RSA No. 9/2017.
4. None appeared on behalf of the respondent despite sending advance notice through WhatsApp. It appears that notice was sent to the counsel representing the respondent.
5. Anyhow, it is brought to the fore that in RSA No. 9/2017, the appellant/judgment-debtor assailed judgment and decree dated 23.05.2015 passed by the learned Civil Judge in CS 146/2010 which was upheld in the appeal bearing RCA No. 10/2015 vide order dated



24.09.2016 However, it appears that certain directions were passed in terms of the decree *vide* paragraph (32) of the judgment passed by this Court in the RSA No. 9/2017 which reads as under:-

“32. In order to avoid further litigation, it is clarified that the appellant shall allow unhindered access to the terrace of the suit property via the staircase which leads from the first floor to the second floor and the respondent shall be entitled to equal ownership and enjoyment of the room on the second floor/terrace along with the appellant.”

6. It is but obvious that on the second appeal being dismissed, the order of this Court merged into the original order, which was passed by the learned Single Civil Judge *vide* judgment and decree dated 23.05.2015.

7. After some arguments, the said decree being executable in nature, learned counsel for the petitioner requests permission to withdraw the present petition with liberty to approach the learned Civil Judge for execution of the aforesaid decree dated 23.05.2015 in accordance with law.

8. The present contempt petition is dismissed accordingly with liberty as sought.

DHARMESH SHARMA, J.

SEPTEMBER 4, 2024/sa