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

+ **CONT.CAS(C) 1611/2024**

AJAY KUMAR

.....Petitioner

Through: **Mr. Honey Malhotra and Ms.
Akansha, Advs.**

versus

RAM BABU

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

08.10.2024

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1. The petitioner/plaintiff is seeking initiation of contempt proceedings under Sections 10 and 12 of the Contempt of Courts Act, 1971 [“**CC Act**”] against the respondent/defendant for not complying with the judgment and decree arising from Regular First Appeal No. 174/2012, CM No. 6341/2012 dated 26.08.2014.
2. No one is present for the respondent/defendant despite sending advance notice.
3. Dr. Gaurav Aggarwal, who states that he is the authorized representative of the petitioner/plaintiff and also the decree holder submits that the judgment and decree dated 26.08.2014 has not been complied with by the respondent/defendant/judgment debtor.
4. Suffice to state that a suit for recovery was filed by the petitioner/plaintiff, which was decreed in his favour *vide* judgment dated 15.12.2011; and aggrieved thereof, the respondent/defendant preferred an appeal, which culminated in the judgment and decree



dated 26.08.2014, whereby the respondent/defendant suffered a decree dated 24.05.2012 for a sum of ₹ 2,50,000/-, which was directed to be paid with interest @ 12% per annum since 04.04.2008 till the date of payment.

5. It was further directed that the amount which has to be paid to the petitioner/ decree holder will be treated as charge on the suit property and in case the suit property is sold, the respondent/judgment debtor out of the sale proceedings received, shall make the payment of the amount to the petitioner/decreed holder.

6. The present contempt petition has been filed after a lapse of more than a year from the date of arising of the cause of action and is clearly barred by Section 20 of the Limitation Act, 1963.

7. Further, it is not clear if the respondent /judgment debtor later on sold the property or not, that was forming part of the subject matter of the suit.

8. In any case the said order was executable and the petitioner/decreed holder could have filed an execution application in terms of Order XXI of the Code of Civil Procedure, 1908 to get the judgment and decree executed.

9. In view of the above, the present contempt petition is dismissed.

DHARMESH SHARMA, J.

OCTOBER 08, 2024/sm