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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **LPA 1187/2024 & CM APPL. 71521-22/2024**
RAJESH GUPTA

.....Appellant

Through: Mr Lakshay Dhamija and Mr Sagar
Rawat, Advocates.

versus

RAJIV OBEROI

.....Respondent

Through: Mr Amit Sherawat, Advocate.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

06.12.2024

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1. The appellant has filed the present appeal impugning the judgment dated 25.09.2024 passed by the learned Single Judge in Cont. Cas (C) No.488/2019 captioned *Rajiv Oberoi v. Rajesh Gupta*, whereby the appellant has been found guilty of the Contempt of Courts Act, 1971.

2. The matter was listed before the learned Single Judge for hearing on quantum of sentence and other reliefs on 04.11.2024. The appellant has not filed the order passed on 04.11.2024. However, the learned counsel for the respondent has handed over the copy of the same. The said order dated 04.11.2024 is set out below:-

“1. Respondent/contemnor is present in person.

2. After some arguments, learned counsel for the respondent requests some time to file an affidavit thereby tendering an unconditional apology and also to spell out as to how and in what manner he would compensate the petitioner for his financial loss.

3. Let the affidavit be filed within seven days from



today.

4. Re-notify on 09.12.2024 at the end of the Supplementary List.”

3. Whilst, the appellant had sought time to file the affidavit to tender an unconditional apology before the learned Single Judge in Cont. Cas(C) No.488/2019, he simultaneously moved the appeal against the judgment dated 25.09.2024 before this court being CONT.APP.(C) 22/2024 captioned *Rajesh Gupta v Rajiv Oberoi*. However, on 04.11.2024, the appellant withdrew the said appeal on the ground that same was not maintainable as the order on sentence has not been passed.

4. After having secured an adjournment before the learned Single Judge for 09.12.2024, the appellant has now once again filed an appeal to reagitate his challenge to the judgment dated 25.09.2024, which was withdrawn on 04.11.2024.

5. We are unable to countenance the conduct of the appellant and accordingly, dismiss the petition with the cost quantified at ₹10,000/- which shall be deposited with the Delhi High Court Legal Services Committee within a period of one week from date.

6. However, we clarify that this order would not preclude the appellant from availing its remedies against the final order that may be passed in Cont.Cas(C) No.488/2019.

7. Pending applications also stand disposed of.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

DECEMBER 06, 2024/M