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

+ **CS(OS) 1900/2015**

MANIKA MADAN Plaintiff

Represented by: Ms. Payal Jain, Advocate.

versus

MAMTA NAGPAL & ANR. Defendant

Represented by: Mr. Vikram Singh Dahiya, Adv. for
D-1 with Mr. Rajeshwar Nagpal, H/o
D-1.
Ms. Mansi Gupta. Adv. for D-2.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.12.2020

The hearing has been conducted through Video Conferencing.

CCP (O) 56/2020

1. By this petition the applicant/ defendant No.2 alleges violation of the order dated 19th March, 2020 by defendant No.1/ Ms. Mamta Nagpal.
2. Vide order dated 19th March, 2020, this Court passed the following directions:

“10. In these circumstances, the application is disposed of with the following directions:

(i) Defendant no.2 will pay the entire outstanding property tax vis-a-vis the Maya Puri Property and the Hari Nagar Property without fail on or before 31.3.2020.

(ii) The plaintiff and defendant no.1, will, (upon receipts being produced evidencing payment of property tax) remit their share equivalent to 1/3rd of the total amount to defendant no.2 within a period of one week of such intimation being given.



(iii) Defendant no.1 will file, in Court, receipts evidencing payment of property tax qua West Patel Nagar Property.

(iv) In case it is found that the payment of property was either not made or delayed whereby the rebate available was lost, the burden of the excess amount, if any, payable towards tax, interest or penalty will be borne entirely by defendant no.1.”

3. In terms of the directions defendant No.2 claims that the entire outstanding property tax vis-a-vis Mayapuri Property and the Hari Nagar property has been paid by the defendant No.2. Copies of the receipts of the payment have been shared with the plaintiff and the defendant No.1, however defendant No.1 despite having received copies of the receipt evidencing payment of property tax, failed to remit defendant No.1’s shares equivalent to 1/3rd of the total amount paid by defendant No.2 within a period of one week of such intimation being given; and has not complied with the directions as passed by this Court on 19th March, 2020.

4. Today before this Court there is some connection problem with the learned counsel appearing on behalf of defendant No.1. However, husband of defendant No.1/ Mr. Rajeshwar Nagpal has made submissions. His case is that the defendant No.2 is receiving the entire rent and not sharing with the same with the defendant No.1. He further states that defendant No.1 be permitted to appear physically before this Court.

5. Be that as it may, the final monetary settlement as to which of the parties will be entitled, if any, will be settled by this Court on the decision in the suit. However, the same does not warrant defendant No.1 to not obey the orders passed by this Court.

6. Consequently, issue show cause notice against defendant No.1 as to why proceedings under the Contempt of Court Act be not initiated against



defendant No.1.

7. Reply affidavit to the show cause notice be filed within four weeks. Rejoinder affidavit in three weeks thereafter.
8. List the petition on 18th February, 2021 when the defendant No.1 will be present through video conferencing or physically as per the sitting of the Court.
9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

DECEMBER 14, 2020
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