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

+ **CS(OS) 218/2020**

M/S. KHANUJA EXPORT & FINANCE PVT. LTD. Plaintiff

Through: Mr. Ayush Gaur, Mr. Samarth Goel
and Ms. Shruti Gupta, Advs. (M:
7402020002)

versus

MR. KAPIL NAGPAL @ TRANJIT NAGPAL Defendant

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.04.2024**

1. This hearing has been done through hybrid mode.

I.A.8041/2024 (for exemption)

2. Exemption is allowed, subject to all just exceptions. The application is disposed of.

I.A.8042/2024 (for delay)

3. For the reasons stated in the application, delay of 31 days in filing the contempt petition is condoned. Application is disposed of.

CCP(O) 27/2024 (for contempt)

4. The present contempt petition has been filed by the Petitioner-M/s Khanuja Exports & Finance Ltd. under Section 10 and 12 of the Contempt of Courts Act, 1971. The Petitioner vide the present petition alleges contempt of the order dated 16th August, 2022 in **CS (OS) No. 218/2020**.

5. It is the case of the Plaintiff that on 19th August, 2020, the Court restrained the Defendant from creating any third party rights in Villas Nos.



12, 13, 14 and 15 of the Silver Creek, Maradu, Cochin, Kerala. The relevant portion of the said order is extracted hereinunder:

“8. Consequently, till the next date of hearing before this Court, the defendant is restrained from creating any third party rights in Villas Nos. 12, 13, 14 and 15 of the Silver Creek, Maradu, Cochin, Kerala.”

6. The order dated 19th August, 2020 was subsequently modified vide order dated 16th August, 2022 on which date the Court permitted two villas no. 12 & 13 to be sold and the injunction continued in respect of two other villas nos.14 & 15. Upon selling of villas nos.12 & 13, the Defendants were to deposit the sale proceeds in the Court within a period of six months. The relevant portion of the order dated 16th August, 2022 is extracted hereinunder:

“5. Accordingly, six months' time is granted to the defendant to sell Villas bearing No.12 and 13 and deposit the amount claimed in the suit before this Court. The order dated 19th August, 2020 would not come in the way of the defendant making renovation/construction in Villas bearing No.12 and 13 situated in Silver Creek, Maradu, Cochin, Kerala and selling the same. It is made clear that out of the amounts received from the sale of the aforesaid two villas, the amount claimed in the suit shall be forthwith deposited before this court by the defendant.

6. Till the time, the amount claimed in the suit is deposited before this Court, the interim order dated 19th August, 2020 would continue in respect of the Villas bearing No. 14 and 15 situated in Silver Creek, Maradu, Cochin, Kerala. Upon the defendant depositing the amount claimed in the suit before this court, the interim order dated 19th August, 2020 would automatically stand vacated in respect of the Villas



*bearing No. 14 and 15, situated in Silver Creek,
Maradu, Cochin, Kerala.”*

7. The Plaintiff alleges that the Contemnor/Respondent herein has not complied with the order dated 16th August, 2022 despite various efforts by the Plaintiff.
8. For the reasons stated in the contempt application, notice is issued to the alleged contemnor Mr. Kapil Nagpal. He shall remain present in Court on the next date of hearing. Let a reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.
9. Notice shall be served upon Mr. Kapil Nagpal as also to Id. Counsel for the Defendant in the main suit.
10. List before the Joint Registrar on 15th July, 2024, the date already fixed.
11. List before the Court on 14th August, 2024.

PRATHIBA M. SINGH, J.

APRIL 9, 2024/dk/rks