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

+ **CS(COMM) 522/2022**

HIMALAYA GLOBAL THROUGH ITS PARTNERS

ASHISH JAISWAL SAMBHAV

KHANDELWAL ANUJ JAISWAL Plaintiff

Through: Mr. Abhishek Kotnala, Advocate.

versus

VISHAL AHUJA TRADING AS

VISHAL LAMINATES & ORS.

..... Defendants

Through: Mr. Junaid Alam and Mr. Nishant
Mahtta, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **02.11.2022**

I.A. 15333/2022 (under Order 39 Rule 2A r/w Section 151 CPC, by Plaintiff)

1. Present application has been preferred on behalf of Plaintiff under Order 39 Rule 2A read with Section 151 of CPC, 1908 and Section 12 of Contempt of Courts Act, 1971, alleging contempt of the orders passed by this Court on 01.08.2022 and 25.08.2022.
2. A detailed reply has been filed on behalf of the Defendants/alleged Contemnors along with an affidavit tendering an unconditional apology.
3. It is stated in the reply that upon receipt of the order dated 01.08.2022, Defendants had immediately issued instructions to all their Sales and Marketing Representatives as well as the Employees not to take any fresh orders for the design forming subject matter of the suit.



Although the Court had permitted the Defendants to execute the pre-existing orders, by way of abundant caution, Defendants instructed their Sales and Marketing Representatives to avoid execution of even the pre-existing orders however, erroneously, alleged Contemnor No. 4, the Sales and Marketing Executive of Defendant No. 1, who had been in contact with M/s. The Design Grid regarding purchase of WPC wall panels, well before filing of the suit, sent a formal quotation letter and subsequently raised sales invoices for a transaction/sale after 01.08.2022.

4. Learned counsel appearing on behalf of the Defendants submits that the Defendants have the highest regard for the orders passed by this Court. The action of Defendant No. 4 is unintentional and purely on account of a misunderstanding that since the correspondence and negotiations with respect to the solitary transaction in question were prior to the order passed by this Court, it would be treated as a pre-existing order and it was open to the Defendants to execute the same. It is submitted that apart from this solitary transaction, no other transaction has been entered into by the Defendants and there is no disobedience of the Court's order.

5. Mr. Vishal Ahuja, Sole Proprietor of Defendant No. 1 is personally present in Court and confirms the fact that other than the single transaction referred to in the present application by the Plaintiff, no other contracts have been entered into by the Defendants and assures the Court that he will abide by the Court's order until the same is vacated, varied or modified. He tenders an unconditional apology and submits that there is no wilful disobedience of the directions passed by this Court.



6. Learned counsel for the Plaintiff is unable to dispute the fact that other than the single transaction referred to in the present application, Defendants have entered into any other transaction or accepted any fresh order.

7. Having perused the reply and after hearing the learned counsels for the parties as well as Mr. Vishal Ahuja, this Court accepts the unconditional apology tendered by the Defendants. The undertaking given by the Defendants that they shall continue to abide by the Court orders is taken on record and needless to state shall bind the Defendants.

8. Application is accordingly disposed of with cost of Rs. 20,000/- to be paid by the Defendants in favour of Delhi High Court Bar Clerks' Association, within a period of two weeks from today.

I.A. 11988/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

9. List on 23.01.2023.

JYOTI SINGH, J

NOVEMBER 02, 2022/sn/shivam