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

+ CS(OS) 1809/2011

SUSHIL NARULA

..... Plaintiff

Through: Mr. Kislay Komal and Mr. Vikash
Kumar, Advs.

versus

VIJAY NARULA & ORS

..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **11.04.2018**

IA No.4810/2018 (for exemption).

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

CCP(O) No.24/2018.

3. Contempt is alleged of order on an application under Order XXXIX Rules 1&2 of the Code of Civil Procedure, 1908 (CPC) in CS(OS) No.1809/2011.

4. As far back as in *Bimal Chandra Sen Vs. Kamla Mathur* (1982) ILR 2 Del. 407, a Division Bench of this Court held that for violation of an order under Order XXXIX Rules 1&2 CPC, provisions of the Contempt of Courts Act, 1971 cannot be invoked and the appropriate remedy is under Order XXXIX Rule 2A of the CPC. Notwithstanding the same, CCPs continue to be filed.

5. CCP is dismissed with liberty to the petitioner/relator to invoke Order XXXIX Rule 2A of the CPC.

RAJIV SAHAI ENDLAW, J

APRIL 11, 2018/'pp'..