

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).1651/2004

(From the judgement and order dated 19/12/2003 in CRLM No.4288/2003
of The HIGH COURT OF DELHI AT N. DELHI)

M/S. M.S. SHOES EAST LTD.

Petitioner(s)

VERSUS

VENKATESH DUTT

Respondent(s)

(With appln(s) for directions, initiating contempt proceedings against
the respondent, stay, c/delay in filing counter affidavit, permission
to place addl. documents on record)
[For Final Disposal)

Date: 19/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Ms. Anuradha Dutt,Adv.

Ms. B. Vijayalakshmi Menon,Adv.

For Respondent(s)

Mr. L.C. Goyal,Adv. (N/P)

UPON hearing counsel the Court made the following

O R D E R

The respondent, on giving undertaking in terms of order dated 1st September, 2004, was given time to make the payment to the petitioner. The order stipulates that in case of default, it would be open to the decree holder to continue with the execution proceedings. Further, in case of default, all criminal complaints shall stand revived and

...2/-

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Criminal Miscellaneous (M) No.4288 of 2003 filed by the respondent before the High Court shall stand dismissed. It is evident from the record that the respondent committed default in making the payment. He was granted further opportunity to make the payment. His presence before this Court had to be secured by issue of warrants since he absented on the earlier occasion but on issue of warrants and before its execution, he appeared and again sought last opportunity to make the payment by 25th May, 2005, as recorded in the order dated 2nd May, 2005. The matter was adjourned to the week commencing 11th July, 2005. It was taken up on 15th July, 2005. Neither the respondent was present nor his counsel. On 15th July, 2005, it was adjourned to today. Again, the position is same. None is present. Under these circumstances, we permit the petitioner-decree holder to continue with the execution proceedings in Suit No.940 of 1999.

Criminal Miscellaneous (M) No.4288 of 2003 filed by the respondent in the High Court stands dismissed and all criminal complaints filed against him stand revived. The criminal complaints shall be disposed of expeditiously.

In CrI.M.P. No.4395/2005 - Contempt Petition:

Last opportunity was granted to the respondent to file reply in terms of order dated 2nd May, 2005. The matter was directed to be listed in the week commencing 11th July, 2005. It was listed on 15th July, 2005. Neither the respondent was present nor his counsel. The case was

adjourned to today. Again, the position is same. None is present. Under these circumstances, we issue non-bailable warrants for the production of the respondent-alleged contemnor, returnable on 29th August, 2005.

[T.I. Rajput]

Court Master

[V.P. Tyagi]

Court Master