

ITEM NO.9

COURT NO.7

SECTION IX

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

CONTEMPT PETITION (C) No. 417/2015

In
SLP(C) No. 4281/2013

O.P. DALMIA AND ANR.

Petitioner(s)

VERSUS

MANOJ KUMAR DALMIA

Respondent(s)

(With office report)

WITH

SLP(C) No. 21404/2015

[MANOJ KUMAR DALMIA V. O.P. DALMIA & ORS.]

(With prayer for interim relief and Office Report)

Date : 31/08/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Priya Puri, A.O.R.
in CP Mr. Sharad K. Puri, Adv.
Mr. Ranjay Kumar Dubey, Adv.
Ms. Hadi, Adv.

In SLP Ms. Shabana Sothe, Adv.
Mr. R. C. Gubrele, A.O.R.
Ms. Rupali Sawant, Adv.
Mr. Satbir Pillania, Adv.
Mr. Somvir Deswal, Adv.

For Respondent(s) Ms. Shabana Sothe, Adv.
Mr. R. C. Gubrele, A.O.R.
Ms. Rupali Sawant, Adv.
Mr. Satbir Pillania, Adv.
Mr. Somvir Deswal, Adv.

UPON hearing counsel the Court made the following
O R D E R

Subsequent to our order dated 10th August, 2015,

when this Contempt Petition was listed today, Ms. Shabuna Sothe, learned counsel appearing for the respondent placed before us photos showing that the premises has been vacated by the alleged contemnor which is duly locked. She also handed over the keys of the premises to Ms. Priya Puri, learned counsel for the petitioners.

Since the premises is now vacant and the keys of the premises have also been handed over to counsel for the petitioners, the petitioners are free to take peaceful and vacant possession of the premises without prejudice to the rights and contentions of the parties in these pending Special Leave Petitions. The petitioners are also present before us. In our presence, learned counsel for the petitioners handed over the keys to the second petitioner, the mother of the respondent/contemnor herein.

We, therefore, permit the petitioners to occupy the premises in the course of this week itself and in order to ensure that no hindrance is caused to the petitioners to take over possession of the suit premises, we direct the local police, viz., Police Station Santa Cruz(West) also to give necessary

protection at the time of taking over possession. We also direct the Station House Officer of the said Police Station to monitor the premises and ensure that no hindrance is also caused to the petitioners after they take over possession, pending further orders. The said direction is given since the petitioners are aged couple of more than 70 years.

As far as grievance of the alleged contemnor pertaining to the non-disposal of the interest amount pursuant to the interim direction of the Division Bench of the High Court dated 2nd August, 2012, by the Protho-Notary and Senior Master of the High Court in the proceeding dated 16th July, 2015, in the light of the present development namely, that the respondent has now handed over peaceful possession of the premises to the petitioners, it will be open for the alleged contemnor to move the Protho-Notary and Senior Master for appropriate orders to comply with the direction of the Division Bench of the High Court in the order dated 2nd August, 2012, which direction of the Division Bench is stated to be in force even as on date as stated by the counsel for the respondent.

List the Special Leave Petitions for hearing in the first week of December, 2015 along with the Contempt Petition.

In the meanwhile, reply to the contempt petition and additional documents, as prayed for by the counsel for the alleged respondent, be filed .

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER