

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.C.P. NO. _____ OF 20__

IN THE MATTER OF:

Mr./Ms. ABC

.....PETITIONER

VERSUS

Mr./Ms. XYZ

.....RESPONDENT

CIVIL CONTEMPT PETITION U/S 2(b), 11 & 12 OF THE
CONTEMPT OF COURTS ACT, 1971 R/W ARTICLE 215 OF
THE CONSTITUTION OF INDIA AND SECTION 151 CIVIL
PROCEDURE CODE, 1908, AGAINST THE RESPONDENT
/CONTEMNOR FOR COMMITTING GROSS CONTEMPT BY
WILFULLY DISOBEYING THE UNDERTAKING AND
ORDER DATED **.**.20** PASSED BY THIS HON'BLE
COURT IN CRL. M.C. NO. ****/20**.

MOST RESPECTFULLY SHOWETH:

1. That the present Civil Contempt Petition is a result of wilful disobedience by the respondent of the undertaking and order dated **.**.20** passed by this Hon'ble Court in Crl. M.C. No. ****/20**, filed U/s 482 of Cr.P.C by the respondent seeking quashing of order dated **.**.20**, issuing non-bailable warrants against the respondent and order dated **.**.20**, issuing proclamation against the respondent passed by the Ld.MM-03 in Crl. C.C. No. **/**/20**. A copy of the order and undertaking dated **.**.20** passed by this Hon'ble Court in Crl. M.C. No. ****/20**, is enclosed herewith and marked as

ANNEXURE A-1. A copy of the order dated **.**.20**, issuing non-bailable warrants against the respondent passed by the Ld.MM-03 in Crl. C.C. No. **/**/20** is enclosed herewith and marked as **ANNEXURE A-2** and a copy of the order dated **.**.20**, issuing proclamation against the respondent, passed by the Ld.MM-03 in Crl. C.C. No. **/**/20** is enclosed herewith and marked as **ANNEXURE A-3**.

2. That it is imperative to bring on record the brief facts of the case which are as follows:

(a) That the petitioner on inducement of the respondent entered into four separate Agreement to Sell dated **.**.20**, **.**.20**, **.**.20** & **.**.20** to purchase Six shops at a price of Rs. *,**,**,***/- (*number in words*) in a commercial mall namely *OPQ* Mall, proposed to be constructed at (*place*) bypass road by the respondent and his company M/s *PQR* Builders Pvt. Ltd.

(b) That however the construction of said mall never took place and the Respondent in order to return the Petitioner's money entered into a MOU dated **.**.20** agreeing to pay Rs. *,**,**,***/- (*number in words*) to the Petitioner by **.**.20**. A copy of the said MOU dated **.**.20**, is enclosed herewith and marked as **ANNEXURE A-4**.

(c) That however the respondent failed to honour the above stated MOU dated **.**.20** and entered into another supplemental MOU dated **.**.20** with the petitioner agreeing therein to pay Rs. **,**,**,-/ (number in words) as per the following schedule:

Rs. **,**,**,-/ BY **.**.20**

Rs. **,**,**,-/ BY **.**.20**

Rs. **,**,**,-/ BY **.**.20**

Rs. **,**,**,-/ BY **.**.20**

A copy of the said supplemental MOU dated **.**.20**, is enclosed herewith and marked as **ANNEXURE A-5**.

(d) That while executing the said supplemental MOU the respondent issued three cheques of Rs. **,**,**,-/, Rs. **,**,**,-/ and Rs. **,**,**,-/ dated **.**.20**, **.**.20** and **.**.20**, respectively, in favour of petitioner as advanced payment, however, on presentation, the said cheques were dishonoured, where after the petitioner initiated proceeding U/s 138 of Negotiable Instruments Act, against the respondent, in which the respondent never appeared and the Ld. MM under his cognizance, due to continuous non-appearance of the respondent, vide order dated **.**.20** in Crl. C.C. No. **/**/20**, directed to issue proclamation u/s 82 of Cr.P.C against the respondent.

(e) That thereafter the aforementioned CrI. M.C. No. ****/20**, U/s 482 of Cr.P.C, was filed by the respondent seeking quashing of the order dated **.**.20**, issuing non-bailable warrants against the petitioner and order dated **.**.20**, issuing proclamation against the respondent, passed by the Ld.MM-03 in CrI.CC No. **/**/20**.

3. That in the said CrI. M.C. No. ****/20**, U/s 482 of Cr.P.C filed by the respondent, this Hon'ble Court vide order dated **.**.20**, on an undertaking by the respondent to make payment of Rs. **,**,***/- by **.**.20** and Rs. **,**,***/- by **.**.20** to the petitioner and to further draw up a schedule to make the balance payments, gave protection to the respondent from arrest. Further the respondent also undertook to appear before trial court on **.**.20** and furnish bail bonds and sureties.
4. That thereafter the respondent in CrI.CC No. **/**/20**, appeared before the trial court on **.**.20** and was admitted to bail on furnishing of bail bonds of Rs. 30,000/- and a surety. The copy of bail bonds were sent for verification through the office of S.H.O. P.S. Tuglak Road.
5. That as per the undertaking, the respondent was under a statutory obligation to make payment of Rs. **,**,***/- by **.**.20** to the petitioner, however he expressed his inability

to do the same and promised to pay it by **.**.20** and as on **.**.20**, the Hon'ble Court was on leave the matter got adjourned to **.**.20**. A copy of the order dated **.**.20**, is enclosed herewith and marked as **ANNEXURE A-6**.

6. That thereafter on **.**.20** the respondent appeared before this Hon'ble Court and in contrast to his undertaking offered a cheque of Rs. **,**,***/- only to the petitioner, which the petitioner not having any other option, had to accept and a date was fixed for **.**.20**, for the payment of remaining undertaken amount.

7. That thereafter on **.**.20** in Crl.CC No. **/**/20**, the respondent appeared before the trial court and was informed that on inspection of his bail bonds it was found that the respondent was not residing at any of the addresses mentioned in his bail bonds and thus the said bonds were rejected and the respondent was taken into custody, however he was granted an opportunity to call/inform his advocate and shockingly the respondent misusing the said liberty granted by the Ld. Trial Court, shamelessly fled away from the court premises and fresh NBW's were issued against the respondent by the Ld.MM. A copy of the order dated **.**.20**, passed by Ld. Trial Court in Crl. C.C. No. **/**/20**, is enclosed herewith and marked as **ANNEXURE A-7**.

8. That to the further shock and grief of the petitioner the cheque of Rs. **,**,***/- dated _____, issued on **,**.20**, in pursuance of the undertaking by the respondent, also got dishonoured.
9. That thereafter on **,**.20** due to heavy board of this Hon'ble Court the matter could not be heard and it was adjourned to **,**.20**, however it is imperative to mention that no one from the respondent's side appeared on that day. A copy of the order dated **,**.20**, is enclosed herewith and marked as **ANNEXURE A-8**.
10. That thereafter on **,**.20** the Ld.MM in Crl. C.C. No. **/**/20** due to non-appearance of the petitioner issued proclamation against the petitioner U/s 82 of Cr.P.C and now the said matter is listed for **,**.20**.
11. That thereafter on **,**.20**, before this Hon'ble Court also, no one appeared for the respondent and the Crl. M.C. petition No. ****/20**, U/s 482 of Cr.P.C filed by the respondent, was dismissed for non prosecution and the petitioner was given liberty to take appropriate action against the petitioner for violation of the undertaking and order dated **,**.20**. A copy of the order dated **,**.20**, is enclosed herewith and marked as **ANNEXURE A-9**.

12. That due to the above enumerated blatant and shameful violation of the undertaking and order dated **.**.20**, by the respondent he is liable to be strenuously prosecuted for contempt of this Hon'ble Court.
13. That the present petition is being filed *bonafide* and in the interest of justice.
14. That it shall be in the fitness of the matter that the majesty of this Hon'ble Court be protected and suitable action be taken against the Contemnor/Respondent for his impugned contumacious actions, which are knowingly deliberate, gross brazen, wilful, serious in nature and tainted with *malafide* intent.

PRAYER

In view of the above and in the interest of justice, it is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- (a) Allow this petition and take prompt and suitable actions as per law against the Contemnor for knowingly and intentionally committing gross, wilful and deliberate disobedience, violation and contempt of his undertaking and order dated **.**.20** given before this Hon'ble Court;

- (b) Pass orders for attaching the Properties of the contemnor/respondent;
- (c) Pass orders for immediate arrest and detention of the contemnor/respondent in civil prison;
- (d) Pass such other and further orders/directions, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case to meet the ends of justice.

PETITIONER

THROUGH

NITINYAYA LAW OFFICES
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NEW DELHI
DATED:

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.C.P. NO. _____ OF 20__

IN THE MATTER OF:

Mr./Ms. ABC

.....PETITIONER

VERSUS

Mr./Ms. XYZ

.....RESPONDENT

AFFIDAVIT IN SUPPORT OF THE PETITION

I, ABC, aged about ___ years S/o Sh. _____, R/o _____, do hereby solemnly affirm and declare as under:

1. That I am the petitioner in the present petition and am fully conversant with the facts of the case and competent to swear this affidavit.
2. That the accompanying petition has been drafted by my counsel under my instructions and the contents of the same are true and correct to the best of my knowledge and belief or are based on records believed to be true. I pray the contents of the accompanying petition may kindly be read as part and parcel of this affidavit as the same are not being repeated herein for the sake of brevity.

DEPONENT

VERIFICATION:-

Verified at Delhi on this __ day of December, 20** that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed there from.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.C.P. NO. _____ OF 20__

IN THE MATTER OF:

Mr./Ms. ABC

.....PETITIONER

VERSUS

Mr./Ms. XYZ

.....RESPONDENT

URGENT APPLICATION

Dated: _____

To
The Registrar
Hon'ble High Court of Delhi
New Delhi

Sub: Civil Contempt (O) No. of 20**.

Sir,

Kindly treat the accompanying Contempt Petition as URGENT in accordance with the High Court Rules and Orders. The Grounds of urgency are:-

Urgent directions are prayed, as the respondent/contemnor has committed gross contempt of the order and undertaking dated **..20**, passed by this Hon'ble Court. The Contempt is still continuing.**

Thanking you,

Yours faithfully,

NITINYAYA LAW OFFICES
Advocate(s) for the Petitioner
Chamber No.103, New Lawyers Chambers
CK Daphtary Block, Tilak Lane
Supreme Court of India, New Delhi-110001
Contact no.:09818085505, 011-45009902
Email id- info@nitinyaya.com

IN THE HIGH COURT OF DELHI AT NEW DELHI

C.C. P. NO. _____ OF 20__

IN THE MATTER OF:

Mr./Ms. ABC

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CIVIL CONTEMPT PETITION U/S 2(b), 11 & 12 OF THE
CONTEMPT OF COURTS ACT, 1971 R/W ARTICLE 215 OF
THE CONSTITUTION OF INDIA AND SECTION 151 CIVIL
PROCEDURE CODE, 1908, AGAINST THE RESPONDENT
/CONTEMNOR FOR COMMITTING GROSS CONTEMPT BY
WILFULLY DISOBEYING THE UNDERTAKING AND
ORDER DATED **.**.20** PASSED BY THIS HON'BLE
COURT IN CRL. M.C. NO. ***/20**.

MEMO OF PARTIES

Mr./Ms. ABC

S/O SH. _____

R/O _____

.....PETITIONER

VERSUS

Mr./Ms. XYZ

S/O SH. _____,

DIRECTOR OF:

PQR BUILDERS PVT. LTD.

(ADDRESS)

ALSO AT:

R/O _____

.....RESPONDENT

PETITIONER

THROUGH

ADVOCATE

NITINYAYA LAW OFFICES

Advocate(s) for the Petitioner

Chamber No.103, New Lawyers Chambers

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Supreme Court of India, New Delhi-110001

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IN THE HIGH COURT OF DELHI AT NEW DELHI

C.C. P. NO. _____ OF 20__

Arising out of:

CRL. MC. NO. **/20****

IN THE MATTER OF:

Mr./Ms. ABC

.....PETITIONER

VERSUS

Mr./Ms. XYZ

.....RESPONDENT

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NOTE: SINCE THIS A CONTEMPT PETITION AGAINST A PRIVATE INDIVIDUAL,
THERE IS NO NEED OF SERVING ADVANCE NOTICE OF MOTION.

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NEW DELHI
DATED: