

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NO. 905/2017

IN

SLP(C) NO. 19099/2012 (XIV)

KIRAN ABNASHI CHAWLA
LRS. OF LATE HARINDER PAL SINGH CHAWLA PETITIONER(S)

VERSUS

MARGUERITE CHAWLA AND ORS. RESPONDENT(S) /
ALLEGED CONTEMNORS

O R D E R

Having heard learned counsel appearing on both the sides, we find it difficult to hold that there is any contumacious conduct on the part of the respondents/alleged contemnors.

2. The contempt petition, is accordingly, dismissed and the contempt notice is discharged.

3. We are informed that the execution is pending before the District Court Saket, New Delhi in E.P. No.77 of 2017. Some of the learned counsel point out that all necessary parties are not there in the execution petition. Now that we have noted the number of the Execution Petition, any party, who is otherwise entitled to be heard in the Execution Petition, is free to approach the Execution Court.

4. By order dated 6.2.2017, in I.A. Nos.2-4 of 2015 and 6-7 of 2015, this Court passed the following order:-

"This matter is placed before us to clarify the doubt expressed in the Office Report dated 25.04.2016. While dismissing the Special Leave Petition on 15.03.2016, this Court allowed the application for setting aside abatement as well as application for substitution filed by the concerned applicant. As conflicting position is taken by the concerned applicant(s) about their right to execute the decree for and on behalf of the deceased plaintiff, to do complete justice, we deem it just and proper to appoint a Court Receiver in respect of the suit scheduled property, who will take symbolic possession of the stated property and allow the parties, already in possession, to continue to remain in possession without creating any right, title or interest therein and also subject to such orders that may be finally passed by the appropriate Court as to the entitlement to get the decree of possession relating to the suit scheduled property executed for and on behalf of the deceased plaintiff. All contentions available to the respective parties in that behalf are kept open.

In other words, we have allowed all applications vide order dated 15.03.2016

without prejudice to the rights and contentions of the respective parties to pursue their claim including to espouse the cause of the original plaintiff and to represent his estate. Thus, the parties will be free to take recourse to such remedy as may be permissible in law for appropriate declaration and consequential reliefs, including to pursue the execution of the decree in suit scheduled property in Suit No. 158 of 2006 (Old Suit No. 680 of 1994).

We have requested Ms. Rohini Musa, Advocate, to act as Court Receiver. She has graciously accepted the request. Accordingly, we appoint her as Court Receiver in terms of this order.

The Court Receiver may submit a status report to this Court within three months, on which date, we may consider the issue regarding remuneration and other expenses to be disbursed to the Court Receiver.

In view of the above, no further directions are necessary on the Office Report under consideration.

Post on 05.05.2017, for considering the status report to be submitted by the Court Receiver."

5. Since the execution is pending before the District Court Saket, New Delhi, we refrain from making any observation with regard to the merits of the contentions raised by the parties. Therefore,

all the contentions are left open to the parties to be addressed before the Execution Court.

6. In that view of the matter, we make it clear that we have not expressed any opinion on the merits of the matter.

7. However, having regard to the order dated 6.2.2017, which is extracted above, it shall be treated as an order passed by the Execution Court for all purposes.

8. Therefore, it will be open to any party to approach the Execution Court seeking variation, modification or discharge of receiver, in which case it will be open to the Execution Court to consider the matter and pass appropriate orders in accordance with law.

9. Needless also to say, de hors the issues pending in Execution Court, if any party has any other independent right, which has to be worked out otherwise, nothing said in this Court shall stand in the way of such party taking recourse to such remedy before appropriate Forum, in accordance with law.

10. We also make it clear that it will be open to the parties to address all available contentions including the contentions regarding the maintainability of the execution proceedings, locus standi, etc., in which case the contentions will be dealt with by the Execution Court, in accordance with law. Needless also to mention that the submission of the learned counsel for the respondent that the question of law is settled, will also be addressed.

11. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
SEPTEMBER 19, 2017.

ITEM NO.6

COURT NO.5

SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 19099/2012

(Arising out of impugned final judgment and order dated 26-04-2012
in CRP No. 65/2007 passed by the High Court of Delhi at New Delhi)

VINEET TIWARI

Petitioner(s)

VERSUS

HARINDER PAL SINGH CHAWLA (D) THR. LRS. & ANR.

Respondent(s)

WITH

CONTEMPT PETITION (C) NO. 905/2017 IN SLP(C) NO. 19099/2012 (XIV)
(WITH IA No.54564/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS AND
IA No.70272/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 19-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For the parties

Ms. Indu Malhotra, Sr. Adv.
Mr. Purushottam Sharma Tripathi, AOR
Mr. Ravi Chandra Prakash, Adv.
Mr. Mukesh Kumar Singh, Adv.
Ms. Sushma Singh, Adv.
Mr. Tanvir Nayak, Adv.
Mr. Shivang Dubey, Adv.
Mr. Amit, Adv.

Mr. Abhishek K. Rao, Adv.
Mr. Shailesh Suman, Adv.
Ms. Bhavya Bharti, Adv.
Mr. Anirudh Sharma, AOR
Mr. Abhaid Parikh, Adv.

Mr. Abhay Kumar, AOR
Mr. B.L. Wali, Adv.
Mr. Saurabh Mishra, Adv.
Mr. Himanshu, Adv.

Ms. Rohini Musa, Adv. (A.C.)

Ms. Deepti Gupta, Adv.
Mr. Neeraj Kumar, AOR

Mr. Pradeep Misra, AOR

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

CONTEMPT PETITION (C) NO. 905/2017 IN SLP(C) NO. 19099/2012

The contempt petition is dismissed in terms of the signed order.

I.A. NO.10/2017 IN SLP(C) NO. 19099/2012

In view of the order passed in the Contempt Petition No.905/2017, application for clarification/modification of order dated 06.02.2017 is disposed of.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR

(Signed order, as above, is placed on the file)