

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6865-6867 OF 2017

[@ SPECIAL LEAVE PETITION (C) NO. 15166-15168 OF 2017]

[@ SPECIAL LEAVE PETITION (C).....CC. NO. CC No(s). 20266/2016]

RAKESH MALHOTRA THROUGH ATTORNEY HOLDER APPELLANT(S)

VERSUS

RAJINDER KUMAR MALHOTRA AND ORS. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Delay condoned.

2. Leave granted.

3. The appellant approached this Court aggrieved by the impugned orders dated 01.08.2016, 18.07.2016 and 17.06.2016 passed by the High Court of Judicature at Bombay in Appeal No.400 of 2016 in Contempt Petition NO.2 of 2015. As per the said order(s), on account of the alleged non-cooperation on the part of the appellant, the interim protection granted by the High Court against the order passed by the learned Single Judge in Contempt Petition was withdrawn and the appeal was dismissed.

4. When the matter came up before this Court, on

28.10.2016 this Court passed the following order:-

"The petitioner is directed to appear before the Division Bench of the High Court on 15.11.2016. On the petitioner thus appearing before the High Court, we request the High Court to consider Appeal No.400 of 2016 on merits ignoring the order of dismissal already passed, for non-appearance of the petitioner.

It is made clear that till the appeal is thus disposed of by the High Court on merits, the petitioner shall not be arrested pursuant to the order dated 09.02.2016 passed by the learned Single Judge of the High Court.

Post on 28.11.2016."

5. Mr. V.K. Gupta, learned senior counsel appearing for the appellant has brought to the notice of this Court that the High Court has thereafter admitted the appeal by order dated 20.02.2017.

6. In the above circumstances, there is no point in keeping these appeals any more pending before this Court. The appeals are disposed of making it clear that during the pendency of the appeal before the High Court the interim protection granted by this Court will continue to operate.

7. Pending applications, if any, shall stand disposed of.

8. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

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

NEW DELHI;
MAY 04, 2017.

