



2026:DHC:8125



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 21.09.2026**# **CNR No. DLHC010388082018**+ **CONT.CAS(C) 99/2018, CM APPL. 5763/2018 (Stay), CM APPL. 30701/2018 (Delay of 80 days in filing the rejoinder) & CM APPL. 27099/2023 (Dir.)****NAIMA KHATOON**

.....Petitioner

Through: **Mr. Aly Mirza, Advocate.**

versus

UTPAL CHAKRABORTY & ANR

.....Respondents

Through: **Mr. Rajesh Gogna, Ms. Punita Jha and Ms. Simran, Advocates.****CORAM:****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**% **JUDGEMENT (Oral)**1. The present Petition has been filed under Sections 2, 10 and 12 of the **Contempt of Courts Act, 1971**¹ seeking the following reliefs:

“It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to issue appropriate directions against the Respondents herein to Show-cause as to why proceedings for Contempt of Court be not initiated against them and to further secure the presence of the Respondents, and to further issue show-cause why they be not punished for their intentional disobedience of the Order dated 18.11.2015 passed in W.P. (C) No. 10654 of 2015 as clarified by order dated 31.10.2017 passed in the Contempt Petition bearing Cont. Case (Civil) No. 1357 of 2016 as well as the Judgment dated 03.01.2018 passed in the Writ Petition bearing W.P. (C) No. 10654 of 2015 and; to pass appropriate orders thereon by directing the cancellation of the Rent Receipt dated 30.11.2017 issued by Respondent No. 1 in favour of Respondent No. 2, in the

¹ CC Act



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light of the facts and circumstances explained hereinabove.

Any other order(s) which this Hon'ble Court deem fit and proper in the facts and circumstances of the case may also be passed in the favour of the Petitioner and against the Respondents."

2. The specific directions of which contempt is alleged pertain to the receipt of rents from the alleged tenants and in particular to Paragraph 12 of Order dated 18.11.2015 passed in W.P.(C) 10654/2015 as also Paragraph 7 of Order dated 31.10.2017 passed in CONT.CAS(C) 1357/2016.

3. Paragraph 12 of Order dated 18.11.2015 passed in W.P.(C) 10654/2015 reads as under:

"12. The petitioners, after filing the said affidavit, shall be entitled to receive rent from the tenants so mentioned in the affidavit, subject to maintaining an account of the rent so received and subject to the further orders of this Court. The petitioners shall also not alienate, encumber or part with the possession of the aforesaid properties or any part thereof."

4. Paragraph 7 of Order dated 31.10.2017 passed in CONT.CAS(C) 1357/2016 reads as under:

"7. The present petition is, accordingly, disposed of by clarifying that the respondent (the custodian of enemy property) will not collect any rent in respect of the property in question till the Writ Petition (W.P.(C) 10654/2015) is decided."

5. Learned counsel appearing on behalf of the Petitioner submits that there is a clear violation of the directions passed by this Court and relies upon the rent receipt dated 30.11.2017 issued by the Respondents. He also submits that there have been other violations of the said directions insofar as certain other amounts which were paid by the alleged tenants and in respect of which cheques came to be issued, were collected by the Respondents in respect of the alleged tenants of the subject premises. He submits that these acts would constitute a clear case for initiation of contempt proceedings as against

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the Respondents.

6. **Per contra**, learned counsel appearing on behalf of the Respondents relies upon the affidavit filed by the Respondents dated 31.01.2023, which affidavit came to be filed in terms of Order dated 07.09.2022. He submits that, at least with respect to two of the cheques, i.e., cheque bearing No. 193397 dated 13.10.2016 for a sum of Rs. 86,100/- and cheque bearing No. 193398 dated 13.10.2016 for an amount of Rs. 1,05,000/-, the said cheques never came to be presented for realisation and no rent receipts were issued in respect of these cheques. In view thereof, he would submit that no contempt is made out in this respect. He, however, submits that with respect to the receipt dated 30.11.2017, in the event that any amounts were collected by the Respondents in violation of the aforementioned orders passed by this Court, this Court may pass such directions as are considered appropriate for the purpose of ensuring that the said amounts are restituted.

7. This Court has heard learned counsel appearing on behalf of the parties.

8. As regards the two cheques, both dated 13.10.2016, since the same has not been pressed and upon the statement made by the learned counsel for the Respondent that the same have not been presented for realisation, this Court is of the view that no contempt is made out in this respect.

9. Further, this Court is of the considered opinion that the Receipt dated 30.11.2017, which has been brought to this Court's attention, is in respect of an amount of Rs. 1,00,320/-. There is no clarity that is discernible from the affidavit as to whether or not this amount was realized.

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10. This Court is of the view that in the event that the said amount has been realized by the Respondents then the same clearly constitutes a violation of the directions passed by this Court and therefore, the Petitioner would be entitled to refund of the said amount along with interest @ 12% per annum from the date of realisation of the said amount till date of repayment.

11. Let the said amount be paid within a period of eight (08) weeks from today.

12. In view thereof, this Court is of the view that no further orders are required to be passed in the present Petition.

13. The Petition, along with pending Application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 21, 2026/tk/va

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