

(2021) 02 DEL CK 0203

In the Delhi High Court

Case No : Letter Patent Appeal No. 51 Of 2021, Civil Miscellaneous Application
No. 4423, 4424 Of 2021

Rajendra Kumar Goel

APPELLANT

Vs

ICICI Bank Ltd

RESPONDENT

Date of Decision : 05-02-2021

Acts Referred:

Citation : (2021) 02 DEL CK 0203

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Jyoti Singh, J

Bench : Division Bench

Advocate : Yatish Kumar Goel

Final Decision : Dismissed

Judgement

D.N.Patel, CJ

CM APPL.4424/2021 (exemption)

Allowed, subject to just exceptions.

LPA 51/2021 & CM APPL.4423/2021 (stay)

1. Being aggrieved and feeling dissatisfied by the order of the learned Single Judge dated 05.01.2021 in CONT. CAS (C) 320/2020 and CM

APPL.13548/2020, the appellant/original respondent No.2 in CONT. CAS (C) 320/2020 has preferred the present appeal.

2. We have heard learned counsel for the appellant and looked into the facts and circumstances of the case. From the facts placed on record by the

appellant, it emerges that earlier contempt case being CONT. CAS (C) 102/2019 was preferred by the respondent/Bank, wherein vide order dated

30.04.2019, the appellant herein was restrained from writing any e-mail or complaint against the Bank to different Forums with regard to the

agreement of the Home Loan in question. For ready reference, operative part of the aforementioned order reads as under:-

“Since, the matter is subjudice, the respondents are restrained from further writing any email/complaint against the petitioner bank to

different forums with regard to the agreement of home loan bearing No. LBDEL0000747368 entered between the respondent No. 1 & 2 and

the petitioner bank, till the next date of hearing.”

(emphasis supplied)

3. It appears that despite the aforesaid restraint order, the present appellant (original respondent No.2) continued sending e-mails against the Bank and

therefore, the respondent bank preferred another contempt petition being Cont. Cas (C) 320/2020, in which the impugned order dated 05.01.2021 has

been passed by the learned Single Judge. It has been observed in paragraphs 30, 31 and 32 of the impugned order that despite the aforesaid restraint

order dated 30.04.2019 and Cont. Cas (C) 320/2020, the appellant (original respondent No.2) has continued sending e-mails against the Bank and

therefore, notice has been issued by the learned Single Judge to the respondents therein, including the present appellant (original respondent No.2).

Notice to show cause has been made returnable for filing reply within four weeks and the petition has been listed on 9th February, 2021 for further

proceedings.

4. It is evident that the matter is pending before the learned Single Judge. Appellant (original respondent No.2) has been given time to file reply. It is

open to the appellant to file reply and argue before the learned Single Judge to purge the contempt. At present, there is no adjudication of the rights &

liabilities of the appellant and only notice to show cause has been issued. Thus, in our view, the present appeal is premature. We see no reason to

interfere in the impugned order at this stage.

5. We hereby request the learned Single Judge to decide Cont. Cas (C) 320/2020, in accordance with law, Rules, Regulations and on the basis of the

evidence on record after giving adequate opportunity of being heard to the appellant (original respondent No.2) as expeditiously as possible and

practicable.

6. With these observations, the present appeal is dismissed.