

Sh Babu Ram Pandit vs Sh. Ram Rup Pandit on 18 December, 2023

Author: Jasmeet Singh

Bench: Jasmeet Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI
RFA 985/2023

SH BABU RAM PANDIT

Through: Mr Narender Bhandari, Adv.
versus

SH. RAM RUP PANDIT

Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER

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18.12.2023

CM APPL. 65425/2023

Exemption allowed, subject to all just exceptions. The application stands disposed of.

1. This is an application seeking condonation of 30 days delay in re- filing the appeal.
2. In view of the submissions made by learned counsel and for the reasons stated in the application, the delay of 30 days in re-filing the appeal is condoned.
3. The application is disposed of.
4. This is an appeal challenging the judgment and decree dated 17.07.2023 passed by learned ADJ-09, Central District, Tis Hazari Courts, Delhi in CS No. 614418/2016 titled 'Ram Rup Pandit v. Babu Ram Pandit' wherein the suit for injunction and partition filed by the respondent was dismissed. It was observed that the joint family status was not proved and This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:51 issue No. 1, 7, 8 and 9 were decided against the appellant.

5. Mr Bhandari, learned counsel for the appellant states that the learned Trial Court failed to appreciate the evidence of DW-1 as well as DW-2 and the appellant had shown that it was in fact the

appellant who was the owner of the suit property.

6. For the said reasons, issue notice to the respondent by all modes including electronic on the appellant taking requisite steps within one week from today, returnable before the Joint Registrar on 08.01.2024.

7. List before this Court on 14.05.2024.

8. This is an application seeking stay of operation and effect of judgment and decree dated 17.07.2023 passed by learned ADJ-09, Central District, Tis Hazari Courts, Delhi in CS No. 614418/2016 titled 'Ram Rup Pandit v. Babu Ram Pandit'

9. It was observed in the judgment that the joint family status was not proved and issue 1, 7, 8 and 9 was decided against the appellant.

10. Issue notice to the respondent by all modes including electronic on the appellant taking requisite steps within one week from today, returnable before the Joint Registrar on 08.01.2024.

11. List before this Court on 14.05.2024.

JASMEET SINGH, J DECEMBER 18, 2023 sr [Click here to check corrigendum](#), if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:51 \$~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 502/2022 BALLALESHWAR S PAWADMAL Petitioner Through: Mr Bhasker, Adv. (through VC) versus AIR INDIA LIMITED Respondent Through: Mr Arvind Nigam, Sr. Adv. with Mr Azeem Samuel, Mr Amit Mishra, Ms Mitakshara Goyal, Mr Kaustubh Seth, Mr Akhil Kumar and Mr Shivam Singhania, Advs. for Air India.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 15.12.2023

1. In the present case the question of reinstatement does not arise as the petitioner himself has given up the said claim.

2. Both the parties are directed to file their respective calculations and the basis of those calculations within a period of two weeks from today.

3. List on 05.02.2024.

JASMEET SINGH, J DECEMBER 15, 2023 sr [Click here to check corrigendum, if any](#) This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 \$~59 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 776/2023 ABHISHEK SURI Petitioner Through: Ms Avsi Sharma and Mr Deepak Jain, Advs.

RASHI SURI

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER

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14.12.2023

1. This is an application seeking revival of contempt petition being CONT.CAS(C) 776/2023.
2. It is stated that the respondent is not bringing the child for visitation in terms of the order dated 30.10.2023.
3. For the said reasons, issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 23.01.2024. Notice be also served through the counsel representing the respondent on 30.10.2023 before this Court.

JASMEET SINGH, J DECEMBER 14, 2023 sr [Click here to check corrigendum, if any](#) This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 \$~61 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1467/2023 DAULAT RAM Petitioner Through: Counsel (appearance not given.) versus MR AMIT YADAV & ANR. Respondents Through: Mr Harsha Peechara, Standing Counsel with Ms Devika Mohan, ASC, Mr Shubham Singh, MrShubham Mishra and Ms Harshita Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023

1. This is an application seeking directions against the respondent for directing closure of the right of the respondents to file a reply/counter- affidavit.

2. Mr Peechara, learned Standing Counsel appearing for the respondents expresses regret and as a last and final opportunity, two weeks are granted to the respondents to file a counter-affidavit failing which the same shall be taken on record subject to payment of Rs. 20,000/- as costs to be paid to the learned counsel for the petitioner.

3. The application is disposed of accordingly. CONT.CAS(C) 1467/2023

4. On oral request of learned counsel for the petitioner, the next date of This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 hearing is preponed to 20.02.2024.

5. The date already fixed i.e. 20.03.2024 stands cancelled.

JASMEET SINGH, J DECEMBER 14, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 \$~64 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1866/2023 NADEEM KHAN Petitioner Through: Mr Mohd Asif, Adv. (through VC) versus THE DEPUTY COMMISSIONER & ORS. Respondents Through: Mr G.S. Oberoi, Standing Counsel for MCD Ms Avni Singh, Adv. for SHO.

SI Anil Kumar, PS-Jamia Nagar Mr Saleem Ahmed, Mr Ajay Pratap Singh and Mr Suhail Ahmed, Adv.

for R-6.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023

1. This is a petition seeking initiation of contempt proceedings against the respondents for violation of the order dated 10.10.2023 passed in W.P.(C) 182/2023. The operative portion of the said order reads as under:

"5. It is made clear that the aforesaid submissions are recorded without prejudice to the rights and contentions of any owners/occupants of the subject property whose statutory remedies are reserved. The MCD is directed to take action strictly in accordance with law, and after complying with all statutory formalities.

6. In the event, the petitioner has any further grievance, with This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 regard to unauthorised construction, he may approach the Special Task Force ["STF"], constituted by the Supreme Court vide orders dated 24.04.2018 and 18.07.2018 in W.P.(C) 4677/1985 [MC. Mehta vs Union of India & Ors.]. This direction is made with reference to the decisions of the Division Bench in Devender vs. Govt. of NCT of Delhi and Ors [order dated 20.09.2018 in W.P.(C) 1807/2018], Sneh Lata & Anr. vs. North Delhi Municipal Corporation & Anr. [order dated 08.04.2019 in LPA 245/2019], and in Himanshu vs. East Delhi Municipal Corporation & Anr. [order dated 31.07.2023 in W.P.(C) 8104/2022], and in a decision of the learned Single Bench in Abdul Gajfar vs South Delhi Municipal Corporation & Ors. [order dated 28.02.2019 in W.P.(C) 1773/2019]."

2. It is stated by Mr Ahmed, learned counsel appearing for respondent No.6 that the petitioner is an extortionist and belongs to land mafia. The same is disputed by Mr Asif, learned counsel for the petitioner who states that the petitioner is the owner of the property and has filed a civil suit.

3. Mr Oberoi, learned Standing Counsel for the MCD states that demolition has already been undertaken and is now fixed for 19.12.2023.

4. Ms Avni Singh, learned counsel appearing for SHO states that the police has always assisted and cooperated, however, the photographs annexed with the petition shows that despite there being demolition, another floor is being constructed.

5. The respondent Nos. 1 to 5 shall personally ensure that no further construction is carried out till the next date of hearing.

6. The status of property of the petitioner at H.No. C-3, Near Nooh This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 Masjid, Jogabai Extension, Jamia Nagar, Delhi will also be placed on record by the respondent-MCD and the steps taken for removal of illegal and unauthorized construction therein.

7. List on 29.02.2024.

JASMEET SINGH, J DECEMBER 14, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52

\$~65 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1867/2023 AARZOO MALIK Petitioner Through: Mr Prashant Mendiratta, Mr Jasmeet Singh, Mr B Venkatraman and Ms Aditi Chaudhary, Advs.

AP00RV SHRIVASTAVA
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

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Exemption allowed, subject to all just exceptions. The application stands disposed of.

CONT.CAS(C) 1867/2023

1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the orders dated 16.03.2023 and subsequent orders dated 20.04.2023, 22.05.2023, 03.08.2023, 23.08.2023 & 05.10.2023 passed by the learned Judge, Family Court, South-East District, Saket Courts, Delhi titled as „Aarzoo Malik vs. Apoorv Shrivastava in CS No.09/2023.

2. As per the said orders, the respondent was restrained from pursuing divorce proceedings before HM Courts and Tribunals, UK. The order is continuing till date.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52

3. Mr Mendiratta, learned counsel for the petitioner states that despite the same, the respondent is not complying with the orders.

4. Issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 20.03.2024. Notice be also served through the counsel representing the respondent in the Trial Court.

JASMEET SINGH, J DECEMBER 14, 2023 NG/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52
\$~66 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1868/2023 HARIOM

SINGH Petitioner Through: Mr Vinod Kumar Pandey, Adv.

(through VC) versus GOVERNMENT OF NCT DELHI & ANR Respondents Through: Mr Sameer Vashisht, ASC (Civil) GNCTD with Ms Haushita Nathrani, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023 Exemption allowed, subject to all just exceptions. The application stands disposed of. CONT.CAS(C) 1868/2023

1. This is petition seeking initiation of contempt proceedings against the respondents for violation of the order dated 22.08.2023 passed in W.P. (C) 9864/2023. The operative portion of the said order reads as under:-

"18. For the aforesaid reasons, the petitions are disposed of with the following directions:

(A) W.P.(C) 10749/2023, W.P.(C) 10759/2023, W.P.(C) 10860/2023, W.P. (C) 10862/2023, W.P. (C) 10884/2023, W.P. (C) 3017/2023, W.P. (C) 11012/2023, W.P. (C) 11072/2023, This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 W.P. (C) 9864/2023, W.P. (C) 9528/2023, W.P. (C) 9529/2023, W.P. (C) 10375/2023 & W .P. (C)10480/2023 a. The petitioners will file affidavits of undertakings with the Enforcement Officer, Department of Transport, GNCTD within two weeks from today to the effect that if the vehicles are released to them, they will not be plied or parked in any public space within the territory of NCT of Delhi, and will be removed from the NCT of Delhi within two weeks after release. b. The undertaking will also state that the vehicles will be towed or otherwise transported to the borders of the NCT of Delhi.

c. Upon the affidavit of undertaking being received by the Enforcement Officer, he/she will facilitate the release of the vehicle by the scrapping agency to the petitioners within one week thereafter.

d. The petitioners will also file an affidavit before the Enforcement Officer within four weeks after the release of the vehicle stating that the vehicle has been removed from the territory of the NCT of Delhi.

e. In the case of vehicles registered in Delhi, the petitioners may apply for issuance of NOCs for transport of vehicles outside Delhi. The NOCs will be processed in accordance with law, within a period of two weeks from the date of the application.

(B) W.P. (C) 9158/2023, W.P. (C) 9166/2023, W.P. (C) 5508/2023, W.P. (C) 11254/2022 & W.P.(C) 87/2023.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 a. The petitioners will file affidavits before the Enforcement Officer, Department of Transport, GNCTD within two weeks from today, undertaking that if the vehicles are released to them, they will not be plied on the streets of Delhi or parked in any public space within the NCT of Delhi, and that they will be kept in a private parking space available to the petitioners. b. Alongwith the aforesaid affidavits of undertaking, the petitioners will produce evidence of availability of private parking space, either owned or leased by them, or accompanied by a consent letter of the owner or lessee permitting them to park their vehicle indefinitely in the aforesaid private parking space.

c. It is made clear that the private parking space must be one within the premises owned or leased by the vehicle owner, and

- not a space in a shared parking lot, even if it is part of a residential complex.

d. The respondents may verify the availability of the aforesaid private parking space within a period of four weeks after the filing of the undertaking, and upon due verification, the vehicle may be released to the petitioners within a period of one week thereafter.

19. The petitioners have expressed an apprehension that they will be charged towing charges or parking charges by the scrapping agencies. Mr. Alam states that the petitioners will be liable for towing charges of approximately Rs.2,000/- or Rs.2,500/- per vehicle, but no parking charges will be payable by them to the scrapping agencies.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52 He states that his office will act as the Nodal Office to facilitate release of the vehicles by the scrapping agencies to the petitioners in terms of these directions, and that if any excess amount is sought by any scrapping agency, the petitioners may approach his office with their grievance.

20. Mr. Alam expresses an apprehension that if the vehicles are released to the petitioners, they will, in fact, be plied within the NCT of Delhi. To allay this apprehension, it is made clear that the aforesaid undertakings recorded on behalf of the petitioners will be treated as undertakings made to this Court, and that any breach of these undertakings may invite action for Contempt of Court.

21. As there are several vehicles which have been seized in similar circumstances, in which the owners may be willing to give undertakings as directed by this order, GNCTD is directed to frame a

policy for release of such vehicles on the aforesaid undertakings by the owners, and to give due publicity to the same.

22. The writ petitions, along with pending applications, are disposed of with the aforesaid directions."

2. It is stated by the learned counsel for the petitioner that despite the petitioner complying with all the directions, the vehicle of the petitioner has not been received.

3. Issue notice.

4. Mr Vashisht, learned ASC accepts notice on behalf of respondent No.1 and states that it is the respondent No.2 who is not returning the vehicle. Mr Vashisht states that respondent No.1 will get an FIR registered against the respondent No.2 within 2 days from today.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:52

5. Mr. Vashisht, learned ASC further states that respondent No.1 will ensure that the vehicle is restored to the petitioner in terms of the order expeditiously.

6. Notice be issued to the respondent No.2 by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 03.04.2024. Notice be given dasti as well.

JASMEET SINGH, J DECEMBER 14, 2023 NG/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~68 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1870/2023 SMT ANKITA RANI Petitioner Through: Dr Aman Gaur, Mr Mayank Madhav and Ms Nidhi Gaur, Advs.

SH DEEPAK KUMAR
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

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Exemption allowed, subject to all just exceptions. The application stands disposed of.

CONT.CAS(C) 1870/2023

1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the order dated 12.01.2023 passed by the learned ASJ-05, South District, Saket Courts, New Delhi in Crl. Appeal No.
2. As per the order dated 12.01.2023, the respondent was directed to pay interim maintenance at the rate of Rs. 12,000/- per month and also clear the arrears within three months.
3. It is stated that the same has not been done.
4. For the said reasons, issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 from today, returnable on 21.02.2024. Notice be also served through the counsel representing the respondent before the Trial Court.

JASMEET SINGH, J DECEMBER 14, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~69 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1871/2023 MAJOR SANDEEP RANA Petitioner Through: Mr Devendra Singh, Mr Anant Kumar Vatsya and Mr G. Suresh, Advs. (through VC) versus MAJOR GENERAL SUJEET SHIVAJI PATIL Respondent Through: Mr Vineet Dhanda, CGSC for UOI.

(through VC) CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023

1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the judgment dated 11.09.2023 passed in W.P. (C) 5173/2022. The operative portion of the said judgment reads as under:-

"65. Accordingly, the present petition is allowed and the order dated 21.07.2020 passed by the respondents is hereby set aside. Petitioner is directed to be embodied into the services of Territorial ☐ forthwith, with consequential benefits, however, with arrears of 50% backwages. The respondents are directed to issue necessary order to this effect within ☐ weeks. Though the distress of trial and financial loss

suffered by the petitioner cannot be. This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 compensated in monetary terms, however, for their arbitrary and unjust action, respondents are directed to pay an amount of Rs.1,00,000/- to recompense the petitioner, which respondents may recover from Col. M.A. Khan."

2. Mr Dhanda, learned CGSC appearing for the respondent states that the order is being complied with. The direction to embody the services of the petitioner in the Territorial Army will be issued in a day or two and in any case not later than five working days. In addition, the amount of Rs. 1 lakh will also be paid to the petitioner within 1 or 2 days and in any case not later than 5 days from today.

3. As far as the aspect of back wages is concerned, Mr. Dhanda, learned CGSC states that a review has been filed and it has been listed on 08.02.2024.

4. Since the respondents are complying with the 2 directions in the order dated 11.09.2023 and for the 3rd direction, a review has been filed, I am of the opinion that there is no intentional or mala fide violation of the order dated 11.09.2023 by the respondents.

5. Taking the statement of Mr. Dhanda, learned CGSC on record and binding the respondent to the same, the contempt petition is disposed of.

6. In case the review is decided by the Hon'ble Division Bench and the order is not modified/varied and the directions are not complied with, the petitioner is at liberty to revive the contempt petition.

JASMEET SINGH, J DECEMBER 14, 2023 NG/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~70 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1872/2023 VARUN SHARMA Petitioner Through: Ms Geeta Luthra, Sr. Adv. (through VC) with Ms Kamakshi Gupta, Mr Anuj Singh and Mr Dennis Jacob, Advs.

POOJA SAINI SHARMA
Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

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Exemption allowed, subject to all just exceptions. The application stands disposed of.

CONT.CAS(C) 1872/2023

1. This is a petition seeking initiation of contempt proceedings against the respondent for violation of the order dated 29.11.2023 passed the learned Family Court, South-East District, Saket, New Delhi in GP No. 94/22.

2. As per the said order, the petitioner was granted 2 hours visitation every day from 5:00 p.m. to 7:00 p.m. and also Video Conferencing rights at the convenience of the respondent and the minor child.

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53

3. It is stated by Ms. Luthra, learned senior counsel for the petitioner that on five occasions the respondent has not permitted the 2 hours visitation or Video Conferencing.

4. For the said reasons, issue notice to the respondent by all modes including electronic on the petitioner taking requisite steps within one week from today, returnable on 22.01.2024. Notice be also served through the counsel representing the respondent in the Trial Court.

5. In the meantime, the respondent shall comply with the order dated 29.11.2023, in its true letter, spirit and intent.

JASMEET SINGH, J DECEMBER 14, 2023 NG/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~58 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 677/2022 POONAM Petitioner Through: Petitioner in person.

versus
SURAJ PAL
Through:
CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

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1. This is an application seeking permission to sell out the property namely undivided 1/4th share of WZ-38C/1 Mansarovar Garden, New Delhi which is already attached in Execution Petition No. 327/2017.
2. Issue notice.
3. The respondent appears in person through video conferencing mode and accepts notice.
4. The Executing Court is directed to adjudicate the Execution Petition expeditiously and in any case not later than four weeks from today.
5. The application is disposed of accordingly. CONT.CAS(C) 677/2022
6. List on the date already fixed i.e. 20.12.2023 at 02:30 p.m. JASMEET SINGH, J DECEMBER 14, 2023/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~6o * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1444/2023 SHAIKH MUJIBUR RAHEMAN Petitioner Through: Ms Sumita Hazarika, Adv. for Applicant (through VC) versus DR. NAJMA AKHTAR & ANR. Respondent Through: Mr Pritish Sabharwal, Standing Counsel for R-1 and R-2.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023

1. This is an application filed on behalf of the petitioner for issuance of directions to the respondents to comply with the directions passed in the order dated 22.08.2017 in W.P.(C) 6987/2017.
2. Issue notice.
3. Mr Sabharwal , learned Standing Counsel accepts notice on behalf of respondents. Let a reply be filed.
4. In the meantime, the respondents shall ensure that salaries are cleared before the next date of hearing.
5. In addition, the respondents are also at liberty to take appropriate steps for release of grants from UGC.
6. List on the date already fixed i.e. 19.01.2024.

JASMEET SINGH, J DECEMBER 14, 2023/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~71 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1873/2023 CHANDRAHAS KUCHYA Petitioner Through: Mr Bhavesh Kumar Sharma, Adv.

(through VC) versus THE SUB DIVISIONAL MAGISTRATE SHRI GAURAV SAINI & ANR. Respondents Through: Mr Parth Goyal, Adv. for Mr Jawahar Raja, ASC (through VC) for R-1.

Ms. Mrinalini Sen, Standing Counsel for DDA (through VC) Mr Ashwani Kumar, Patwari/DC CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 14.12.2023

1. This is a petition seeking initiation of contempt proceedings against the respondents for violation of the order dated 25.07.2022 in W.P.(C) 3655/2021. The operative portion of the said order reads as under:

"7. The petitioner is granted liberty to file an appropriate application alongwith certified copy of this order before the Respondent No. 1/ SDM, Defence Colony within two weeks from today. On receiving of the application, the Respondent No. 1/SDM, Defence Colony is directed to dispose of the application/representation after giving an opportunity of hearing to both the parties and thereafter pass a speaking order in accordance with law, expeditiously, preferably within six This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 weeks."

2. It is stated that despite filing the representation, speaking order has not been passed.

3. Issue notice.

4. Mr Goyal, learned counsel accepts notice on behalf of respondent No.1 and expresses regret. He states that the order shall be passed latest within four weeks from today.

5. Taking the statement of Mr Goyal, learned counsel for the respondent No.1 on record and binding the respondents to the same, the contempt petition is disposed of.

6. In case the petitioner is aggrieved by any non-action on the part of the respondents, the petitioner is at liberty to revive the contempt petition.

JASMEET SINGH, J DECEMBER 14, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~62 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1864/2023 COURT ITS OWN MOTION Petitioner Through:

versus VIKAS GARG Respondent Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

%

1. This is a contempt reference received from the learned Judge, Family Court-02, Shahdara District, Karkardooma Courts, Delhi. Vide order dated 03.11.2023 passed in Contempt Petition No. 02/2020, wherein the learned Judge has observed as under:

"11. Divorce between the parties took place in the year 2016.

Thereafter, contemnor did not co-operate in getting the FIR quashed, rather oppose the quashing petition which was filed by the petitioners which was ultimately dismissed in 2018. Thereafter the present contempt was filed in the year 2022 but contemnor has chosen not to appeared despite being given notice and served.

XXXXXX XXXXXX

15. In view of above discussion, this Court finds that the respondent has wilfully violated the settlement agreement/MOU This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 arrived at between the parties, respondent has backed out from his statement given before the District Courts on 01.03.2016 in HMA NO 258/ 2016 and on 23.09.2016 in HMA No 1187/2016 and has acted in breach of such undertaking before the Court.

16. Hence, this Court is of humble opinion that respondent is guilty of Civil Contempt as defined in Contempt of Courts Act 1971.

17. In such circumstances, a reference be made to be placed before Hon'ble Delhi High Court, with humble request to initiate contempt proceedings as per law."

2. The learned Judge was of the view that the respondent has wilfully violated the Settlement Agreement arrived between the parties and has backed out from his statement given before the Court.

3. Let notice be issued to the respondent-Vikas Garg by the Registry.

4. Notice be also issued to Ms Divya Jyoti Singh without process fee.

5. List on 24.01.2024.

JASMEET SINGH, J DECEMBER 14, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~63 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1865/2023 COURT ITS OWN MOTION Petitioner Through:

versus SHAKSHI TOMAR Respondent Through:

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH
ORDER
14.12.2023

%

1. This is a contempt reference received from the learned Judge, Family Court-02, Shahdara District Court, Karkardooma, Delhi. Vide order dated 03.11.2023 passed in Contempt Petition No. 01/2020 wherein the learned Judge has observed as under:

"11. Divorce between the parties took place in the year 2016.

Thereafter, contemnor did not co-operate in getting the FIR quashed, rather oppose the quashing petition which was filed by the petitioners which was ultimately dismissed in 2018. Thereafter the present contempt was filed in the year 2022 but contemnor has chosen not to appeared despite being given notice and served.

XXXXXX XXXXXX

14. In view of above discussion, this Court finds that respondent This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 has wilfully violated the settlement agreement/MOU arrived at between the parties, respondent has

backed out from her statement given before the District Courts in HMA No. 257/2016, statement recorded in two motions of divorce and has acted in breach of such undertaking before the Court.

15. Hence, this Court is of humble opinion that respondent is guilty of Civil Contempt as defined in Contempt of Courts Act 1971.

16. In such circumstances, a reference is hereby made to be placed before Hon'ble Delhi High Court, with humble request to initiate contempt proceedings as per law."

2. The learned Judge was of the view that the respondent has wilfully violated the Settlement Agreement arrived between the parties and has backed out from his statement given before the Court.

3. Let notice be issued to the respondent-Shakshi Tomar by the Registry.

4. Notice be also issued to Hemendra Pal Singh without process fee.

5. List on 24.01.2024.

JASMEET SINGH, J DECEMBER 14, 2023 sr [Click here to check corrigendum](#), if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~6 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 221/2021 & CM APPL. 8758/2021 SUSHIL SAINI Petitioner Through: Mr Hem C Vashisht, Adv.

versus THE DEPUTY COMMISSIONER (SH.PREM SHANKAR JHA) & ORS. Respondents Through: Mr Vipul Ganda, Standing Counsel with Ms Amodini Raina, Ms Avnika Mishra and Mr Ishan Upadhaya, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 12.12.2023

1. This is a petition seeking initiation of contempt proceedings against the respondents for non-compliance of the judgment passed by Hon'ble Supreme Court passed in W.P.(C) 4677/1985 titled as 'M.C. Mehta v. Union of India & Ors (2006) 3 SCC399.

2. Mr Vashisht, learned counsel for the petitioner states that no action has been taken by the MCD regarding unauthorized construction on plot bearing No. 38, Masjid Moth, Near Uday Park, New Delhi - 110049.

3. At the outset, Mr Ganda, learned Standing Counsel for the respondents raises objection that the contempt petition for violation of an order of the Supreme Court will not lie before the Delhi High Court.

4. In addition, he states that the judgment of M.C. Mehta (supra) is not This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 applicable because the said judgment was dealing only with residential properties being used illegally for commercial purposes. He further draws my attention to the questions framed by Hon'ble Supreme Court which reads as under:

"13. The questions to be determined are:

A. Whether MCD under the DMC Act has power to seal the premises in case of its misuser?

B. Whether DDA, under the Delhi Development Act, has also similar power of sealing or not?

C. Directions to be issued in respect of residential properties used illegally for commercial purposes.

14. In these matters, we are considering only the issue of misuser. We are not considering the issue of unauthorised constructions."

5. Lastly, he submits that even on merits the illegal and unauthorized construction has been sealed and demolition action has been undertaken.

6. Mr Pandey, learned counsel appears for the owner of the property and states that a Coordinate Bench of this Court in W.P.(C) 12992/2021 vide order dated 22.08.2022 has directed as under:

"3. Learned Standing Counsel for the Corporation submits that till the petitioner's application for regularization is considered and disposed of, no action would be taken on the aforesaid vacation notice."

7. After hearing learned counsel for the parties, I am of the view that in view of Section 10 of The Contempt of Courts Act, 1971 this Court will not have jurisdiction to entertain a contempt arising out of a judgment passed by This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 the Hon'ble Supreme Court.

8. In addition, the judgment of M.C. Mehta (supra) was only dealing with misuser of property and not qua the illegal and unauthorized construction.

9. In the present case, admittedly, the property is not being misused but the allegation is only of illegal and unauthorized construction. Even on merits, the respondent-MCD has taken action for sealing as well as demolition and a Coordinate Bench of this Court has already passed an order that the application for regularization of owner of the property shall be considered and disposed of.

10. For the foregoing reasons, the contempt petition is dismissed.

JASMEET SINGH, J DECEMBER 12, 2023 sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53 \$~137 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CONT.CAS(C) 1837/2023 MADHU NAGPAL Petitioner Through: Mr Hemant Gulati and Mr V.K. Gulati, Advs.

versus KRISHAN KUMAR, IAS, REGISTRAR OF COOPERATIVE SOCIETIES & ANR. Respondents Through: Mr Udit Malik, ASC for GNCTD (through VC) with Mr Vishal Chanda, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH ORDER % 11.12.2023

1. This is a petition seeking initiation of contempt proceedings against the respondents for violation of the order dated 03.02.2023 passed in W.P. (C) 9769/2022. The operative portion of the said order reads as under:-

"3. Mr. Gulati, learned counsel appearing for the petitioner, submits that a time period be fixed by this Court to enable the Registrar take a final decision. We by taking the submission made by Mr. Malik that the RCS shall consider the applications based on the information received from the Administrator within four weeks of the expiry of 21 days effective from February 02, 2023 on record, dispose of the petitions."

2. I have observed that RCS is repeatedly not complying with the orders/directions passed by this Court. In CONT.CAS(C) 1660/2023, similar facts have taken place.

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3. In that case the petitioner who is a citizen of India had first approached the Court and an order dated 03.02.2023 was passed directing the RCS to take a decision within 4 weeks of expiry of 21 days. Since no decision is taken, the petitioner again had to move a contempt petition wherein this Court disposed of the contempt petition granting further time to RCS. Despite the same, the RCS still did not pass an order and only on an application for revival of the contempt, an order was passed.

4. Similarly in this case, the order is passed on 03.02.2023 directing the respondents to pass an order in four weeks after expiry of 21 days. Despite the expiry of eight months, the order has still not been passed.

5. Mr. Malik, learned ASC for the respondents express regret and assures that an order will be passed expeditiously.

6. I am of the view that the RCS has failed in performing its duties which it owes to the citizen of this country as well as the orders passed by this Court.

7. Issue notice of contempt to the respondents who shall file an affidavit indicating as to why the orders of the Court are not being complied with time and again. The affidavit shall be filed within two weeks and the respondent No. 1 shall appear in Court on the next date of hearing either in person or through video conferencing mode.

8. List on 19.01.2024.

JASMEET SINGH, J DECEMBER 11, 2023/sr Click here to check corrigendum, if any This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 20/12/2023 at 22:32:53