

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT. CAS. (CRL.) NO. 16 OF 2001**

Reserved On : 02.02.2009

% Date of Decision : 06.03.2009

COURT ON ITS OWN MOTION

- A G A I N S T -

LOK NATH GROVER & ANR. ... RESPONDENTS / CONTEMNORS
Through : Mr. Rakesh Tiku and
Mr. Aditya Bhardwaj,
Advocates for R – 1.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE SUDERSHAN KUMAR MISRA

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| 1. | Whether the Reporters of local papers
may be allowed to see the judgment? | No |
| 2. | To be referred to Reporter or not? | No |
| 3. | Whether the judgment should be
reported in the Digest? | No |

SANJAY KISHAN KAUL, J.

1. A suit for specific performance was filed by Mr. Rakesh Kumar Jain and others against Mr. Devinder Singh Mehta and another. At a stage much after filing of the written statement, but prior to leading of evidence, the suit came to be defended by one Mr. Lok Nath Grover, Attorney, who filed his affidavit of evidence in support of the case of the

original defendants. The suit was decreed vide judgment and decree dated 01.12.1999. An appeal was filed against the same by the original defendants through the Attorney, i.e., Mr. Lok Nath Grover. It may be noticed that the Attorney is in occupation of the suit property claiming to be the tenant of the original defendants.

2. The hearing of the appeal was expedited and the appeal was directed to be posted for hearing on 12.09.2001. It is at that stage that one of the Hon'ble Judges constituting the Division Bench received two separate envelopes – one sent by Mr. Lok Nath Grover on a letterhead of Regency Banquet Cum Restaurant and the other from one Mr. Shyam Sunder of 23, Todar Mal Road, New Delhi. Mr. Shyam Sunder did not claim any specific interest in the property, but only stated that he was residing in the locality where the property was located. These two letters attempted to influence the course of judicial proceedings in the appeal, which resulted in the Court taking *suo moto* notice of criminal contempt. It was observed in the Order dated 25.09.2001 that the action of these two persons amounted to interference and obstruction in the administration of justice. A further fact noticed was that Mr. Lok Nath Grover had earlier been proceed with for having committed contempt of court in Criminal Contempt Petition No. 25/1998 titled 'Sports Authority of India v. Lok Nath Grover'. However, on the contemnor tendering an unqualified apology, the notice was subsequently

discharged. In view of these facts, a notice was issued to show-cause as to why the said persons be not punished for having committed contempt of Court in the present matter.

3. The notice issued to Mr. Shyam Sunder came back unserved as there was no property bearing No. 23, Todar Mal Road, New Delhi. The then counsel appearing for the respondent in appeal stated that as per his instructions, there was no person by the name of '*Shyam Sunder*' residing in the vicinity of the property in question. Thus, it clearly emerged that the letter allegedly sent by Mr. Shyam Sunder was sent by a fictitious person.
4. The first and the sole contemnor remaining being Mr. Lok Nath Grover entered appearance through counsel and filed a short reply affirmed on 18.10.2001. In the process of issuance of this notice, in fact, the hearing of the appeal bearing RFA (OS) No. 19/2000 itself got derailed and the matter was kept pending till both the appeal and the present contempt petition were taken up for final hearing. By a separate Order passed today, we have dismissed the appeal with costs.
5. The letter dated 26/28.06.2001 sent by the contemnor is in the following terms :-

“26th / 28th June, 2001

U.P.C.

Hon'ble Sir,

I am sorry to encroach upon your
valuable time through this letter as I tried a

number of times to get an interview but failed. I want to bring to your kind notice the harassment caused to me by Shri R.K. Jain who does not allow me to live peacefully.

I shifted my family to 35 Babar Road in 1983 and also got the ration card for this place and my name also existed in the voting list after it was deleted from Rohtak Road where I was previously residing. I and my wife casted votes from Babar Road itself. However, there was every day a complaint to the Police against us by Shri R.K. Jain. My wife could not tolerate it and again shifted to Rohtak Road.

I have paid near about Rs.15 lakhs to Shri Devinder Singh Mehta and his family as rent but due to interference of Shri R.K. Jain, I could not reside peacefully.

RFA No. 19 of 2000 filed by me as Attorney Holder through Shri Sandeep Sethi, Advocate was admitted by your honour, after going through the record of the case and execution stayed on 17.8.2000.

Ever since 17.8.2000 Shri R.K. Jain is filing one or the other application in the Hon'ble Court to prove that I am using this property for commercial purpose which according to the High Court order, I cannot use nor I am using the same for this purpose.

So far as the payment of house tax is concerned, it is between me and the family of Shri Devinder Singh Mehta and Shri R.K. Jain has no concern with the same. He has filed an application that so much house tax is payable to influence the mind of the Hon'ble Court.

Against the payment of Rs.4,90,000/- Shri R.K. Jain paid only Rs.30,000/- to Shri Devinder Singh Mehta which amount was also returned to Shri R.K. Jain through Demand Draft after the deal was cancelled. If the cancellation of the deal was not acceptable to Shri R.K. Jain, he should have returned the Demand Draft either to Shri Devinder Singh Mehta or to me as Attorney or could deposit the same with the Hon'ble Court, but he never did it. It clearly shows that he accepted the cancellation of the deal.

Shri R.K. Jain is trying to misguide the Hon'ble Court and, therefore, I have brought the above facts to your kind notice. If you feel necessary, you may make inquiry in this regard.

With highest regards.

Yours faithfully,

sd/-

28/6/2001

Lok Nath Grover"

6. The aforesaid letter shows that the contemnor claims to be a tenant in the property and that he is prosecuting the appeal against the decree as Attorney. There is a claim made that the respondent is harassing the appellant by making complaints about the nature of user of the property. Thereafter, the letter proceeds to deal with the controversy in appeal and asking the learned Judge to make enquiries.
7. It has also come on record that the contemnor has been involved in other litigations and is, thus, familiar with the legal process. He has been running a banquet-cum-restaurant at Talkatora Garden and for his previous conduct was issued notice of criminal contempt which notice was, however, discharged on his unconditional apology.
8. In the reply affidavit filed, the contemnor has expressed his unconditional apology for sending the letter and claims to have the highest respect for the Hon'ble Judges and the judicial system. He further claims to be keeping indifferent

health and that he never intended to interfere with the administration of justice and regrets the letter written.

9. It need hardly be emphasized that a litigant cannot enter into correspondence with any Hon'ble Judge much less a Judge hearing the lis between the parties relating to the concerned person. The said letter clearly sought to create a prejudice against the respondents in the appeal seeking to influence the learned Judge in deciding the appeal. It clearly amounts to interference and obstruction in the administration of justice and, thus, amounting to the contempt of Court. The contemnor though claims to be the Attorney of the appellants and is prosecuting the appeal in that capacity, he has dual status of being an alleged tenant in the property and is, thus, vitally interested in the dispute personally.

10. The only aspect really to be examined is the question of sentence in view of the conduct of the contemnor. The contemnor undoubtedly has expressed his unqualified apology. The fact, however, remains that by mere tendering of an apology, the conduct of the contemnor cannot be washed away. This is also not the sole incident where the contemnor has been so involved in the proceedings of this nature, as he was proceeded against for contempt of court in Criminal Contempt Petition No.25/1998 as noticed aforesaid. The contemnor is fully aware of legal process. It appears that the respondent has made it a habit of attempting to interfere with the course

of justice and, thus, pollute the stream of justice. Mere advanced age cannot be the sole criterion for not punishing the contemnor.

11. In view of the aforesaid, we, having given our deep thought to the matter, are of the view that the contemnor is guilty of the contempt of court and is sentenced to undergo simple imprisonment for a period of seven (7) days and to pay a fine of Rs.2,000/-. In case the contemnor does not deposit the fine of Rs.2,000/- within fifteen (15) days from today, he shall undergo simple imprisonment for a further period of seven (7) days.

12. The contempt petition is accordingly disposed of.

SANJAY KISHAN KAUL, J.

March 06, 2009
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SUDERSHAN KUMAR MISRA, J.