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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Cont. Cas. (C) No.295 of 2009

21.04.2010

S. MANJIT SINGH

.....Petitioner

Through: Mr. M.P. Sharma, Advocate.

Versus

GIAN CHAND & ANR.

.....Respondents

Through: Mr. Vssudha V. Indukar, Advocate for
respondent No.2.

Reserved on: 4th March, 2010

Pronounced on: April 21, 2010

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

J U D G M E N T

1. Vide order dated 7th September, 2009, this court had held respondent No.1 guilty of civil contempt and punished him by simple imprisonment for term of three months apart from a fine of Rs.1,000/-. However, respondent No.2 despite several opportunities had not filed reply to the contempt proceedings. This court vide aforesaid order had held that he was hand in glove with respondent No.1 (his brother) and was equally guilty of contempt. Respondent No.2 was asked to appear in person and he appeared in person on 7th September, 2009, and accepted notice of initiation of contempt proceedings. He was given time to file reply to the show cause notice as to why he should not be punished for colluding with his brother/respondent No.1 for deliberate and willful non-compliance of the undertaking given by his brother/respondent No.1 to the court on 26th September, 2008 in R.F.A. No.809 of 2006.

2. Respondent No.2 has filed reply to the show cause notice and it only shows that respondent No.2 was not at all repentant of his contemptuous action and of his collusion

with his brother of violation of the undertaking. This court vide order dated 7th September, 2009 had discussed in detail the stand taken by respondent Nos.1 and 2 regarding a part of the premises, the possession of which was handed over by respondent No.1 to respondent No.2, after giving an undertaking to the court that he shall surrender the possession of the entire premises to the petitioner. This court after considering the material relied upon by respondent No.2 and reply had come to a conclusion that there was collusion between respondent Nos.1 and 2 to frustrate the order of court. However, the attitude of respondent No.2 still remains of defiance and he does not seem to be repentant at all.

3. I, therefore, consider that respondent No.2 was equally guilty of contempt and was liable to the same sentence as awarded to his brother/respondent No.1, for deliberate and willful disobedience of the order of the court and undertaking given by respondent No.1 to the court in collusion with his brother respondent No.2. I, therefore, hold him guilty of civil contempt and punish him with civil imprisonment for a term of three months apart from a fine of Rs.1,000/-. Warrant of arrest of respondent No.2 be issued and he be lodged in Tihar Jail for undergoing the sentence.

4. The petition stands disposed of.

A copy of this order be sent to Superintendent, Tihar Jail.

SHIV NARAYAN DHINGRA J.

APRIL 21, 2010
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