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

+ **CONT.CAS(C) 683/2014**

JAGDEV SINGH SETHI

..... Petitioner

Through: Mr S.K. Dubey, Mr Rajmangal Kumar &
Ms Sushma Yadav, Advs.

versus

KANWALJIT SINGH SETHI

..... Respondent

Through: Mr I.D. Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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09.12.2015

1. This is a contempt petition filed, alleging that the respondent has violated the order of this court dated 27.08.2009. It is the case of the petitioner/ appellant that vide order dated 27.08.2009, while admitting the appeal, the court had directed the parties to maintain status quo as on that date. To be noted, that order was passed in CM No. 10205/2009.

2. Upon issuance of notice in the captioned petition, the respondent has filed his reply. In the reply the respondent has, inter alia, stated that he is a Non-Resident Indian and that he was not present in India in June, 2014. It is further averred that, in so far as the subject property is concerned, some renovation was carried out which included painting, polishing and putting in place the flooring. It is further averred by the respondent that there were no material structural changes carried out in the building, which is otherwise

very old. These so called renovations, according to the respondent, were carried out as there was a wedding in the family.

3. Furthermore, reliance is placed by the respondent on a letter dated 02.07.2014, issued by the North Delhi Municipal Corporation, wherein he was informed that under Bye-law 6.4.1 of the building Bye-laws, neither notice was required nor any building permit was necessary where alterations are carried qua the existing structure. By way of example, the said letter narrates alterations, such as, renewal of roof, re-roofing, flooring, erection or re-erection of internal partitions, reconstruction of portion of building damaged by storm, rains, fire and earthquake or any other natural calamity.

4. I have heard the learned counsels for the parties. Clearly, the order passed in the interlocutory application for injunction moved by the petitioner/ appellant merely directed the parties to “....maintain status quo as of today.....”.

4.1 In order to know, what was the scope of the interlocutory application, I called for the appeal file.

4.2 Learned counsel for the petitioner/ appellant fairly concedes that in the application, in which the aforementioned order was passed, which is CM No. 10205/2009, there is no reference to any construction. The only aspect that was brought to bear in the application, was with regard to stay of the impugned judgement and decree dated 29.04.2009.

5. Having regard to the aforesaid circumstances, especially, that which pointed to the fact that the status quo order did not specify, at least not in so many words, that parties were required to restrain themselves from working on the structure, and given the fact that the alterations are, prima facie, in the

nature of renovation, I intend to give the benefit of doubt to the respondent.

5.1 Accordingly, the contempt petition is dismissed. The notice issued to the respondent, in these proceedings, is discharged.

RAJIV SHAKDHER, J

DECEMBER 09, 2015

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