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

+ **CS(OS) 1872/2000**

MASTER TANISH SUBRAMANIAM & ORS. Plaintiffs

Through: **Ms. Aditi Pandey, Ms. Malany and
Ms. Nishtha Arora, Adv.**

Versus

**HEWLETT PACKARD INDIA SALES PVT. LTD.
& ORS. Defendants**

Through: **Ms. Amrita Singh, Adv. for D-2.
Mr. P.V. Dinesh and Mr. Rajendra
Beniwal, Adv. for D-1.
Ms. Vishnu Mehra, Adv. for D-3.
Ms. Kamini Jaiswal, Adv. for
contemnor.**

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

15.07.2016

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CCP(O) No.33/2016

1. During the course of hearing on 21st March, 2016 of this suit for recovery of money, the counsel for the defendant No.1 tendered in the Court a blog dated 17th June, 2013 attributed to Capt. S.K. Bugnait, husband of the plaintiff No.2 Smt. Shilpa Subramaniam and finding the contents thereof on the face of it to be highly contemptuous, this Court vide order dated 21st March, 2016 required the defendant No.1 to place the print out of the said blog along with an affidavit and further directed the Registry to register this contempt of courts on court's own motion against Capt. S.K. Bugnait and ordered issuance of notice to Capt. S.K. Bugnait.

2. In pursuance thereto, the Advocate for the defendant No.1 filed his own affidavit with annexures.
3. Capt. S.K. Bugnait has filed an affidavit of apology.
4. I have perused the affidavit of the Advocate for the defendant No.1 along with its annexures and I am of the view that the contempt of which notice has been issued would fall in the category of criminal contempt within the meaning of Section 2(c) of the Contempt of Courts Act, 1971 and which has to be considered by the Roster Division Bench.
5. Accordingly, subject to orders of Hon'ble the Chief Justice, list CCP(O) No.33/2016 along with copy of the order dated 21st March, 2016, this order, the affidavit filed by the counsel for the defendant No.1 along with annexures and the affidavit filed by the noticee Capt. S.K. Bugnait before the Roster Division Bench on 9th August, 2016.

IA No.25198/2015 (of plaintiffs u/O 6 R-17 CPC)

6. This application was filed to enhance the value of the suit for the purposes of jurisdiction from Rs.30 lakhs to above Rs.2 crores, for the suit to remain in this Court inspite of enhancement of the minimum pecuniary jurisdiction of this Court.
7. The counsel for the plaintiffs seeks to withdraw the application with liberty to file a fresh after the suit is transferred to the District Court, if so instructed.
8. Dismissed as withdrawn with liberty aforesaid.

CS(OS) 1872/2000 & IAs No.2178/2016 (of D-2 u/S 151 CPC), 6663/2007 (u/O 11 R-11 CPC), 14126/2014 (u/S 151 CPC), 22774/2014 (of D-3 u/S 151 CPC) & 17506/2015 (for adjournment of cross-examination of DW-1)

9. In view of the aforesaid and the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice in exercise of power under Section 4 of the Delhi High Court (Amendment) Act, 2015, this suit is transferred to the Court of District Judge (South East), Saket Courts, New Delhi

10. The file of the suit be sent to the District Judge (South East), Saket Courts, New Delhi after making copies in terms of order aforesaid in CCP(O) No.33/2016.

11. The parties to appear before the District Judge / Additional District Judge, (South East), Saket Courts, New Delhi on 22nd August, 2016.

RAJIV SAHAI ENDLAW, J.

JULY 15, 2016

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