

\$~20.

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

+ CCP No.110/2008 in CS(OS) No.835/2004

RAHUL VAID

.... Petitioner/Relator

Through: Mr. Pankul Nagpal, Adv.

versus

BALRAJ VAID & ORS.

.... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

%

26.08.2016

1. This contempt case has been filed with respect to order dated 6th August, 2004 in CS(OS) No.835/2004 which upon enhancement of the minimum pecuniary jurisdiction of this Court stands transferred to the District Court.

2. Though the CCP is purported to be filed under the provisions of the Contempt of Courts Act, 1971 but is in the nature of an application under Order 39 Rule 2A of the Code of Civil Procedure, 1908 (CPC). It has been held by the Division Bench of this Court in *Dr. Bimal Chandra Sen Vs. Mrs. Kamla Mathur* 22 (1982) DLT 33 (SN) (DB) that where Order 39 Rule 2A of the CPC is applicable, the provisions of Contempt of Courts Act are not applicable.

3. Accordingly, this contempt petition is also to be heard by the same learned Additional District Judge before whom the suit is pending.

4. The counsel for the Relator on enquiry states that the suit is now pending in the Court of Shri Tarun Sahrawat, Additional District Judge, District Central, Tis Hazari Courts, Delhi and is listed next on 14th September, 2016.

5. This petition be also transferred to the Court of Shri Tarun Sahrawat, Additional District Judge, District Central, Tis Hazari Courts, Delhi.
6. The parties to appear before Shri Tarun Sahrawat, Additional District Judge on 14th September, 2016.

RAJIV SAHAI ENDLAW, J

AUGUST 26, 2016
'pp'..