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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 751/2014 & C.M.No.1434/2016

BRIGVN CHANNA (RETD)

..... Petitioner

Through Mr.Nishant Agarwal, Advocate.

versus

MANISH GUPTA & ORS

..... Respondents

Through Ms.Anushruti with Ms.Vasundhara
Nayyar, Advocates for SDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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29.11.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 29th November, 2013 passed in CCP No.911/2013.

It is the case of the petitioner that despite the specific order passed on 29th November, 2013, there has been inordinate delay in commencing construction of the Community Hall in Greater Kailash, Part-I by the respondent-SDMC.

Learned counsel for the respondent-SDMC on the last date of hearing had stated that the work order had been issued and construction work had commenced. She had also handed over the photographs showing that the construction work had commenced. However, as counsel for the petitioner sought time to obtain instructions, the matter was adjourned to today. The order dated 17th October, 2016 is reproduced hereinbelow:-

“Learned counsel for SDMC states that construction at site has already commenced. She has handed over a photocopy of the work order dated 18th March, 2016 as well as some photographs. The same are taken on record. Learned counsel for the petitioner prays for some time to obtain instructions.

List on 29th November, 2016.”

Today also, learned counsel for the petitioner prays for an adjournment on that ground that he wishes to file an additional affidavit. He further states that though initially the construction had commenced, but as of today no construction is being carried out.

Learned counsel for the respondent-SDMC has handed over the photographs which show that construction work is still continuing.

Keeping in view the aforesaid photographs and the fact that the petitioner has not filed any affidavit, despite the matter having been adjourned specifically for this purpose on 17th October, 2016, this Court is of the view that the petitioner is only seeking an adjournment to ensure that the Court continues to monitor the construction.

Since the construction has already commenced and work order has been issued, this Court finds no reason to continue with the present contempt petition. Accordingly, the present contempt petition is closed and the notices issued are discharged.

MANMOHAN, J

NOVEMBER 29, 2016
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