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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1001/2016

DR ANIL JAIN

..... Petitioner

Through: Mr. Imran Khan, Advocate.

versus

PRAVEEN GUPTA & ORS

..... Respondents

Through: Mr. Gaurang Kanth, Advocate with
Ms. Eshita Baruah and Ms. Biji Rajesh,
Advocate for respondents No.1 and 2.
Ms. Iram Majid, Advocate for respondent
No.3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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06.09.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 28th September, 2005 passed in W.P.(C) 7767/2002 wherein respondent was directed to continue its drive to remove encroachments on public land in Kamla Nagar and surrounding areas.

On the last date of hearing, respondents had raised a preliminary objection to the maintainability of the present contempt petition on the ground that petitioner was not a party to the writ petition.

To counter the said argument, learned counsel for petitioner had stated that the judgment by the Division Bench as well as by this Court disposing of the earlier contempt petition by a party to the writ petition were

judgments in rem.

Undoubtedly, contempt is a matter between the Court and alleged contemnor. But in the opinion of this Court, the judgment and order dated 28th September, 2005 from which the contempt proceeding arises is certainly not a judgment in rem.

Since in the present case, one of the parties to the writ petition has already filed a contempt petition being Cont.Cas(C) 937/2016 on the same allegations, this Court is of the opinion that no useful purpose would be served by keeping this petition pending.

Accordingly, present contempt petition is dismissed.

MANMOHAN, J

SEPTEMBER 06, 2016

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