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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1236/2016 & CM APPLs. 43044-43046/2016

M/S FRANCES MODERN PUBLIC SCHOOL

& ALLEN COMPUTER ACADEMY & ANR Petitioners

Through: Mr. Sunil Dutt Dixit, Advocate.

versus

RAM MEHAR SHARMA & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.11.2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 15th January, 2014 passed in RCA 04/2014 by Additional District Judge, Rohini Courts, Delhi whereby the Court directed the parties to maintain status quo with regard to possession of petitioner-tenant at property bearing No.C-570, Gali No.9, Village Shalimar, near Indira Park, Delhi.

In the petition, it has been averred that despite the aforesaid interim status quo order, the respondent No.1 by filing a false affidavit to the effect that there is no stay in the appeal against execution, obtained warrant of possession of the aforesaid premises and got the petitioner evicted.

Petitioner, thereafter, filed an application in the First Appeal under Section 151 CPC seeking restoration of possession as well as a prayer for initiation of contempt of Court proceedings against the respondent.

On 01st September, 2014, the petitioner's possession was restored. However, subsequently, petitioner's first appeal was dismissed and even the petitioner's second appeal was disposed of with a direction to the petitioner to hand over the possession of the property on or before 30th April, 2017.

Today, it is urged before this Court that the first Appellate Court dismissed the petitioner's appeal without deciding the petitioner's application for initiation of contempt of Court proceedings against the respondent.

The matter was passed over to examine the file of the Regular Second Appeal filed by the petitioner.

In RSA 188/2016 filed by the petitioner, it transpires that the petitioner had taken the ground that the petitioner's application for initiation of contempt of Court proceedings against the respondent had not been decided.

As the petitioner's second appeal has been disposed of by a Coordinate Bench, this Court is of the opinion that the petitioner's grievance that the first Appellate Court has not decided petitioner's application for initiation of contempt of Court proceedings against the respondent cannot be urged in the present case.

In any event, as a quietus has been given to the dispute between the parties by the order passed in RSA 188/2016 by extending the time for vacation, this Court is of the view that the present contempt proceedings should not be entertained. Accordingly, present contempt petition and applications are dismissed.

MANMOHAN, J

NOVEMBER 21, 2016

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