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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CONT.CAS(C) 1239/2016

HARISH KUMAR

..... Petitioner

Through: Mr. R.K. Sahni, Advocate.

versus

RAJWANS VADHERA & ANR

..... Respondents

Through: Mr. Ajjay Aroraa, Advocate with

Mr. Kapil Dutta and Ms. Diksha Lal

and Ms. Surbhi Gupta, Advocates for
NDMC.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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21.11.2016

CM Appl. 43165/2016 (exemption) in Cont.Cas(c) 1239/2016

Allowed, subject to just exceptions.

Cont.Cas(c) 1239/2016

Present contempt petition has been filed alleging wilful disobedience of the order dated 05th October, 2016 passed in CM(M) No.1020/2016 wherein respondent No.2-North DMC stated that a work stop notice to the concerned SHO had been issued to take appropriate action in order to stop unauthorised construction in property bearing No.3451, Gali Bajrangbali, Chawri Bazar, Delhi-110 006 and respondent No.2-North DMC was in the process of carrying out demolition of the unauthorised construction at the aforesaid property.

A Coordinate Bench of this Court vide order dated 05th October, 2016 restrained respondent No.1 from carrying out any further construction at the aforesaid property.

Learned counsel for petitioner states that despite the aforesaid order, no action has been taken by respondent No.2 and the concerned SHO. He further states that respondent No.1 is still carrying out unauthorised construction at the aforesaid property.

Having heard learned counsel for petitioner, this Court is of the view that the order 05th October, 2016 is in the nature of interim injunction order and as the petitioner's suit is pending adjudication in the trial Court, the petitioner has an alternative effective remedy of filing an application under Order 39 Rule 2A CPC.

Consequently, present contempt petition is dismissed with liberty to file an application under Order 39 Rule 2A CPC.

MANMOHAN, J

NOVEMBER 21, 2016

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