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

+ **FAO(OS) 485/2015**

SAGAR APARTMENT RESIDENTS

ASSOCIATION SAGAR APARTMENTS Appellant

Represented by: Mr.R.Krishnamorthi, Advocate

versus

SEQUOIA CONSTRUCTION PVT LTD & ORS Respondents

Represented by: Mr.Aditya Tiwari, Advocate

for R-1 to R-3

Mr.Tunin, Advocate for R-4 & R-5

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **12.02.2016**

1. Taking note of how Letters Patent power was conferred, in the historical perspective commencing from the formation of the East Indian Company and the first Letters Patent granted in the year 1726 by King George, the Division Bench of this Court in the decision dated April 30, 2015 in FAO (OS) No.82/2015 VLS Finance Ltd. Vs. Southend Infrastructure Pvt. Ltd. held that the contempt power in Courts was legislated upon for the first time when the Contempt of Courts Act, 1926 was promulgated. Noting the Contempt of Courts Act, 1952 and the Contempt of Courts Act, 1971 it was highlighted that contempt jurisdiction exercised by learned Judges of this Court is not in exercise of the ordinary original civil jurisdiction and thus no appeal would lie from a decision of a

learned Single Judge because Section 10 of the Delhi High Court Act envisages appeals to a Division Bench against those orders passed by learned Single Judges exercising ordinary original civil jurisdiction which would be a judgment as expounded by the Supreme Court in the decision reported as (1981) 4 SCC 8 Shah Babulal Khimji Vs. Jayaben D.Kania.

2. The impugned order has dismissed CCP No.134/2014 filed under the Contempt of Court Act, 1971. The learned Single Judge has not found any merit to initiate contempt action. The petition has been dismissed.

3. The instant appeal is dismissed as not maintainable.

PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

FEBRUARY 12, 2016

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