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

+ **CONT.CAS(C) 1010/2016**

SANT NIRANKARI MANDAL (REGD) Petitioner
Through **Mr. Amitesh Giroti, proxy counsel for**
Mr. Joginder Sukhija, Adv.

versus

RINKU SAINI & ORS Respondents
Through **Respondents in person.**

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **19.09.2017**

Instant contempt petition came to be filed alleging violation of the order dated 25.2.2016 passed in RFA no. 78/2016 Rinku Saini & Ors. Vs. Sant Nirankari Mandal (Regd.). Relevant portion of the said order is, as follows :

“6. The three appellants present in Court through their counsel state that they are in control and possession of the entire property i.e. dormitory/one room, lobby with common toilet ad measuring 30 sq. yds. of House No.A-308, Gali No.4, Ground Floor, Nirankari Colony, Delhi and none else is in control and possession thereof and they are in a position to give an undertaking to this Court to deliver vacant peaceful physical possession of the same to the respondent/plaintiff/decreed holder. They undertake to this Court to handover vacant peaceful physical possession of the entire portion of the said property in their use/occupation/possession to the respondent/plaintiff/decreed holder on or before 31st July, 2016. They further undertake that they will hereinafter not induct/allow any other person into use/occupation/possession of the portion of the

property in their occupation.

7. The appellants through Advocate have been made aware of the consequences of breach of undertaking given to the Court.

8. The undertaking of the appellants is accepted and the appellants are ordered to be bound thereby.

9. The counsel for the respondent/plaintiff/decreed holder states that subject to the appellants complying with their undertaking the respondent/plaintiff/decreed holder will not press the claim for mesne profits or any other claim cause of action wherefor may have accrued till now against the appellants.

10. Recording the aforesaid statements and binding the parties thereto the appeal is dismissed as withdrawn leaving the parties to bear their own costs.

11. It is made clear that upon failure of the appellants to comply with their undertaking aforesaid the respondent/plaintiff/decreed holder besides executing the decree for possession shall also be entitled to initiate proceedings against the appellants for contempt of Court.”

Both the respondents appearing in person state that they have already handed over peaceful vacant possession of the entire portion of the property to the petitioner long before. Ld. counsel appearing on behalf of the petitioner on his part is however, unable to confirm the factual conspectus as has come to be stated by both the respondents appearing in person, though the matter for purpose has come to be taken up again after the post-lunch session. He only seeks an adjournment on the premise that the counsel is hospitalised. I do not consider that the respondents, who were employed with the petitioner as painters, should be unnecessarily burdened to come to

the court again and again, on account of default attributable to the petitioner. It does not require any elaboration that for them even a single day coming to the Court, affects their livelihood. Accepting the statement of the respondents that has come to be made before the Court, I do not see any reason to keep the instant petition pending any further and the same is disposed off accordingly.

A. K. CHAWLA, J

SEPTEMBER 19, 2017

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