

\$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1348/2016**

ANKUR MUTREJA Petitioner
Through Petitioner in person

versus

S N SINGHAL & ANR Respondents
Through

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% **23.11.2017**

CM No.46801/2016 (Exemption)

Exemption allowed, subject to all just exceptions.

CM stands disposed off.

**CONT.CAS(C) 1348/2016 & CM Nos.46800/2016 (for directions),
42497/2017 (for condonation of delay in filing the documents)**

This is possibly the third contempt petition for an issue of trivial nature, recurrence whereof, is bound to happen, and in this context, it would suffice, if, the observations made by this Court earlier, are taken note of, which are, as under:-

“
.....

7. The grievance of the petitioner essentially emanates from the fact that because of the community centre is being utilized by the residents of the locality for various festivities and marriage functions, it is causing noise and some inconvenience on account of washing of the utensils.

8. So far as the washing of utensils is concerned, not only an apology has been tendered by the respondent society but they have also specifically stated that they will ensure in future that the utensils are washed inside the community centre and the wall has also not been raised.

9. It is natural that some amount of inconvenience is bound to be caused to the neighbouring residents on account of festivities or marriages being held in the hall. When a person is living in a community or in a society, more so in a city like Delhi where marriage halls are very few in comparison to the requirement, certain amount of inconvenience will have to be borne by the residents of the immediate vicinity of the venue where such functions are being held. Generally, a person would not complaint of these inconveniences as at some point of time, he may himself want to use the premises/hall for festivities or marriages, etc.

10. Trivialities need to be ignored and the court need not take cognizance of the same. It seems, in the instant case, that as the petitioner is himself a practising lawyer and it does not entail any extra burden on his resources and that is the reason he has taken interest in prosecuting the matter by filing the present contempt petition against the respondent and continuing with the same despite the assurance having been given by the Secretary of the society that all steps will be taken to ensure that no inconvenience by way of noise, water accumulation, etc., is caused to the petitioner.

11. On assurance being given by the office bearer of the respondent society, one can hardly say that there is any intention on the part of the office bearers of the society in wilfully disobeying the directions of the court. As a matter of fact, the learned counsel for the respondent has stated that the aforesaid order, which was passed in the revision petition, was an ex parte order and though they learnt about the same belatedly yet, they tried to comply with the directions passed by the court the moment they learnt about the same.

12. Having regard to the aforesaid totality of circumstances, I am of the considered opinion that no prima facie case for wilful disobedience of the order of the court is made out. Accordingly, the contempt petition is dismissed and the contempt notice is discharged.”

In view of the foregoing, another similar contempt petition does not deserve to be entertained and is rejected. Pending applications stand disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 23, 2017

nn