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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CONT.CAS(C) 1/2017

RAJESH KUMAR & ORS

..... Petitioners

Through: Mr. P. Chakraborty, Advocate.

versus

V K JAIN

..... Respondent

Through: Mr. Parvinder Chauhan, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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09.01.2017

CM Appl. 31/2017 (exemption) in Cont.Cas(C) 1/2017

Allowed, subject to just exceptions.

Cont.Cas(C) 1/2017 & CM Appls. 30/2017 and 32/2017

Present contempt petition has been filed alleging wilful disobedience of the order dated 21st May, 2016 passed in LPA 121/2016 whereby the Division Bench directed respondent-DUSIB to file an affidavit stating that all the alternative premises offered to the petitioners are habitable and safe in all respects and that no untoward incident would ordinarily be possible if the premises are occupied by the petitioners.

It is the case of the petitioners that respondents have filed a false affidavit in pursuance to the aforesaid order stating that the alternative allotments to the petitioners are habitable.

However, a perusal of the paper book reveals that subsequent to order

dated 21st March, 2016 respondents filed an affidavit and despite the counsel for petitioner raising the same plea that the premises had not undergone proper repairs, the Division Bench disposed of the review application filed by the petitioners.

In the opinion of this Court, if the present contempt petition is entertained, it would amount to sitting in appeal over a Division Bench order—which is not permissible.

Consequently, present contempt petition and applications are dismissed.

MANMOHAN, J

JANUARY 09, 2017

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