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

+ CS(OS) 41/2011

RAJIV SAVARA & ANR

..... Plaintiffs

Through: Mr.Shivanshu Kumar, Mr.Aditya
Kapoor, Advocates.

versus

MUNICIPAL CORPORATION OF DELHI & ORS Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **30.08.2018**

CCP(O) 32/2014

1. The plaintiffs are seeking initiation of contempt proceedings against the defendants for filing a false reply and affidavit dated 22nd February, 2014 in CS(OS) 41/2011.
2. In para 7 of the reply to I.A.2126/2012, defendant No.1 stated that the Municipal Corporation had taken a decision that the road in question constituted a public road.
3. Learned counsel for the plaintiffs submits that in W.P.(C) 875/2012, which was listed before this Court on 12th February, 2014, counsel for the Corporation had withdrawn the letter dated 14th December, 2012 and therefore, the statement made in the reply dated 22nd February, 2014 is contrary to the statement made in the order dated 12th February, 2014.
4. This Court is of the view that no false statement has been made by the Municipal Corporation. The Municipal Corporation had taken a stand in their letter dated 14th December, 2012 that the road in question was a public road. However, since the letter dated 14th December, 2012 was issued

without affording an opportunity to the affected parties, the counsel for the Corporation advised the Corporation to withdraw the letter dated 14th December, 2012 and take a fresh decision after affording an opportunity to the parties. It appears that the order dated 12th February, 2014 was overlooked while filing the reply to I.A.2126/2012 on 22nd February, 2014 and therefore, the Corporation relied upon the decision contained in the letter dated 14th December, 2012.

5. Learned counsel for the plaintiffs submits that the plaintiffs suit has been decreed by the District Judge vide judgment dated 11th January, 2018. Copy of the judgment dated 11th January, 2018 is handed over and taken on record. The judgment dated 11th January, 2018 does not record any finding with respect to the plaintiffs' allegation that a false affidavit has been filed by the Municipal Corporation.

6. No case for initiating contempt proceedings is made out as this Court is not satisfied that any false statement has been made by the defendants.

7. The contempt petition is dismissed.

J.R. MIDHA, J.

AUGUST 30, 2018

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