

\$~7

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

CONT.CAS(C) 100/2016

KAMAL KISHORE SASPAL

..... Petitioner

Through: Mr. Amarjit Singh Bedi and
Mr. Varun C. Adv.

versus

SUNIL KUKREJA

..... Respondent

Through: Ms. Namita Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

08.01.2018

Despite time, rejoinder has not been filed.

The present contempt petition has been filed alleging non-compliance of order dated November 27, 2015 wherein para 7, this Court has given following directions:

“7. At this stage, learned counsel for the parties submit that since respondents no.2 and 3 have chosen not to appear in the matter, present writ petition may be disposed of with the following directions:

- i) Since despite service of respondents no.2 and 3, they have chosen not to appear in the matter, without prejudice to the rights and contentions of all the parties, respondents no.2 and 3 are directed to maintain status quo with regard to the title and possession of the property in question.*
- ii) Leave granted to respondents No.2 and 3 to seek variation of this order in the proceedings before the DRT in the SA.*

iii) *Petitioner undertakes to implead respondents no.2 and 3 as a party before the DRT.”*

The respondent has filed a reply wherein, in para 6, the following has been stated:

“6. That the respondent respectfully submits that the documents being filed along with this reply would show that a new building was constructed and raised over all the three plots No.104, 105 and 106 by the Developer, Smt. Babli Gupta. At no point on time, the respondent has created any third party rights on the said property after passing of the order or direction by this Hon’ble Court. The respondent has not committed any contempt as the property does not exist in its original form nor the respondent has creased any third party interest after the passing of the order by this Hon’ble Court. In this view of the matter, the respondent respectfully submits that the petition filed by the petitioner against the respondent be dismissed with costs.”

In view of the above stand of the respondent, the contempt petition is without any merit. The same is dismissed.

V. KAMESWAR RAO, J

JANUARY 08, 2018/aky