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

+ W.P.(C) 4641/2018

SQN LDR RAJASREE ABHIRAMAN Petitioner
Through: Mr. Ajit Kakkar, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Anurag Ahluwalia, CGSC with
SGT. Rahul Pandey.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **29.05.2018**

1. On the last date of hearing, i.e. on 24.05.2018, learned counsel for the respondents had raised an objection with regard to the objectionable language used by the petitioner in the averments made in the present petition, particularly in para 6 and ground (D) thereof. He had also pointed out that the petitioner had earlier approached this Court for similar relief by filing W.P. No.2564/2018, which was disposed of as recently as on 19.03.2018.

2. As Mr. Ajit Kakkar, counsel for the petitioner was not present on 24.05.2018, at the request of the proxy counsel appearing for him, the matter was adjourned for today.

3. Today, Mr. Kakkar, Advocate is present and he justifies the language used in para 6 and ground (D) of the writ petition and stands by what has

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been stated therein including the averments made to the effect that the respondents had “*maliciously gained favourable order*”.

4. We have been pointedly asked learned counsel for the petitioner to explain as to how a “favourable order” had been obtained by the respondents on 19.03.2018, in the earlier writ petition filed by the petitioner, when the said order was passed after taking note of the submissions made by him and the counsel for the respondents, who was duly assisted on that day, by officers from the Department. Learned counsel submits that the words used in the petition ought not to be literally understood and the underlying intention behind the same ought to be appreciated by the Court. We reject the said submission made by the learned counsel for the petitioner, as we are *prima facie* of the opinion that the expressions used in the petition, noticed above, amount to casting aspersions on the Court.

5. In view of the fact that the petitioner has sworn an affidavit in support of the averments made in the petition and it is the learned counsel for the petitioner, who has drafted the petition and he is vehemently justifying the use of the expressions in para 6 and ground (D) of the writ petition, we propose to issue notice to show cause to both as to why contempt proceedings should not be initiated against them. Ordered accordingly.

6. The petitioner and the counsel for the petitioner shall file their separate replies to the notice to show cause within two weeks with copies furnished to the counsel for the respondents.

7. List on 06.09.2018, to await replies to the notices to show cause.

HIMA KOHLI, J

PRATIBHA RANI, J

MAY 29, 2018/na

1. Mr. Kakkar, learned counsel for the petitioner has mentioned the matter before the lunch recess. He seeks to tender his unqualified apology for the language used in para 6 and ground (D) of the writ petition. He expresses penitence and requests that the notice to show cause be discharged.

2. If learned counsel for the petitioner files his affidavit tendering an unqualified apology for his conduct as noted above and the objectionable language used in the writ petition, during the course of the day, the same shall be taken on record and the matter shall rest there. If the said affidavit is not filed in the course of the day, the Registry shall place the matter back before the Court on the date fixed.

3. Learned counsel for the petitioner further states that he does not wish to press the present petition any further.

4. Leave, as prayed for, is granted. The present petition is disposed of as not pressed. The date fixed above is cancelled.

HIMA KOHLI, J

PRATIBHA RANI, J

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