

Via video conferencing

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

+ **CONT. CAS (C) 266/2020 & CM APPL. 11586/2020**

ASHA ALIAS AYSHA SIDDIQUI Petitioner

Through: Mr. J.C. Mahindro, Adv.

Versus

MOHIT GANDAS ALIAS MOHIT CHAUDHARY & ORS.

..... Respondents

Through: Mr. Ranbir Singh Sandhu, Adv. for
R1 and R2.

Mr. Saumya Tandon, Adv. for R3.
SI Sanjay Indora.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **01.06.2020**

1. This is a petition under Section 11 and 12 of the Contempt of Court Act, 1952 praying for initiation of contempt proceedings against the respondents for their alleged wilful noncompliance and disobedience of order dated 05.02.2020 passed by the learned Additional Senior Civil Judge in C.S. (OS) 101/2020.

2. Learned counsel for the petitioner submits that vide its order dated 05.02.2020, the learned Additional Senior Civil Judge in a suit for perpetual and mandatory injunction filed by the petitioner had directed the respondent to maintain status quo. He submits that even though the said order for directing status quo was immediately served upon the respondents, the Respondents No.1 and 2 are continuing to

make the construction. He further submitted that even though the petitioner has preferred an application under Order 39 Rule 2A, Civil Procedure Code, 1908; the same under could not be taken up for consideration in view of the ongoing lockdown. He, therefore, prays that this court may initiate action against the respondents for wilfully violating and disobeying the aforesaid order.

3. On the other hand, Mr. R.S. Verma, who appears on an advance notice on behalf of Respondent No.1 and 2 submits that the said respondents are not carrying out any construction in Khasra Nos. 556, 574 and 590, Tehsil Mehrauli, New Delhi, which is the subject matter of adjudication in C.S. (OS) 101/2020. He submits that respondents are however carrying on construction in Khasra No.551, Tehsil Mehrauli. He further contends that since the petitioner's application under Order 39 Rule 2A, Code of Civil Procedure is pending adjudication before the learned Additional Senior Civil Judge, there is no reason as to why this Court should entertain the present petition.

4. A similar statement is also made by learned counsel for Respondent No.3 that as per the local police, no construction is being carried out in Khasra Nos. 556, 574 and 590 which is the subject matter of adjudication in C.S. (OS) 101/2020.

5. Though the said averments are denied by learned counsel for the petitioner, he submits that in view of the statement made by learned counsel for Respondents No.1 and 2 that no construction is being carried out by the respondents in Khasras No.556 and 574 and 590, Tehsil Mehrauli, New Delhi; he does not press the present petition and will instead press his application pending adjudication

before the learned Additional Senior Civil Judge.

6. The petition along with pending applications is dismissed as withdrawn. The Respondents No.1 and 2 will remain bound by their statement.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

REKHA PALLI, J

JUNE 1, 2020
SDP