



\$~1

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

%

Date of decision: 30.05.2022

+ **CONT.APP.(C) 13/2022**

SHYAM SUNDER TYAGI

..... Appellant

Through: Mr.Ajay Garg, Ms.Tripti Gola,
Ms.Prashi Tyagi, Mr.Harjot Singh &
Mr.Devashish Shandilya, Advocates.

versus

NIRMAL JINDAL & ORS.

..... Respondents

Through: Ms.Vertika Sharma, Advocate for
Respondent No.1.
Mr.Sameer Vashisht, ASC (Civil)
GNCTD for Respondent Nos.2 to 4.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL. 24742/2022 (exemption)

1. Allowed, subject to just exceptions.
2. The application is accordingly disposed of.

CONT. APP. (C) 13/2022 & CM APPL. 24741/2022

3. By way of present contempt appeal, appellant seeks setting aside of



the order dated 07.03.2022 holding the appellant guilty of committing the contempt of court under Section 2(b) & 12 of Contempt of Courts Act, 1971 and order dated 13.05.2022 sentencing the appellant to undergo 45 days of simple imprisonment along with fine of Rs.2,000/- passed by this court.

4. In compliance to order dated 25.05.2022, the Pairokar of the appellant has filed an affidavit wherein it is stated as under:

“.....appellant is uneducated having studied upto 2nd standard. His occupation is mainly farming/agriculture and he has 1/4th holding in about 24 acres of joint family agricultural land in Samalkha, Panipat, Haryana and 1/4th share in 36 Bighas ancestral agricultural land in Delhi and these lands are under self-cultivation as per revenue records also. The appellant had also taken loan on agriculture under Kisan Samarth scheme. His residence is in Khasra 278, Burari measuring about 1.4 Bighas and his share is 1/12 in the same. The dependent family members of appellant do not own any property. The total annual income of the appellant in the year 2020-21 is about INR 5,94,020/-. Besides, farming the appellant is also investing in small properties for additional income, since he had faced regular losses in agriculture.”

5. Learned counsel appearing on behalf of the appellant, submits that



appellant does not dispute the order dated 07.03.2022, by virtue of which he was held guilty for committing the contempt of court, however, he submits that appellant has already undergone 17 days out of total 45 days of simple imprisonment awarded in the contempt proceedings. Further, the appellant through his Pairokar is ready to give an undertaking to the effect that he will not commit any similar acts of contempt in the future and is also ready to pay an amount of Rs.5 lacs if he is released on the sentence already undergone and pleads to waive off his remaining part of imprisonment.

6. Mr. Ajay Garg, learned counsel for the appellant, on instructions, offers a compensation amount of Rs. 5 lac which has been accepted by Ms. Vertika Sharma, learned counsel appearing on behalf of respondent no.1.

7. Accordingly, in the interest of justice and considering the undertaking given by the Pairokar that the appellant shall not commit such contempt in future, we hereby direct the appellant to pay an amount of Rs.4 lacs in favour of Nirmal Jindal, respondent no.1 within 3 days and also pay an amount of Rs.1 lac to the Blind Sewa Kuteer, Kingsway Camp, Delhi within 3 days for utilization thereof to the welfare of the blind students therein.

8. It is made clear that on deposit of the said amount, receipt of the same shall be furnished before Jail Superintendent concerned and on furnishing



the same, Jail Superintendent is directed to release the appellant on the sentence already undergone.

9. We hereby modify order dated 13.05.2022 to the extent that sentence of imprisonment had already been undergone by the appellant .

10. Needless to state that order passed in the contempt petition and by this court shall not come in the way of deciding the matter pending before revenue authorities and the order shall be passed as per law.

11. In view of above directions, present appeal as well as pending applications, if any, stand disposed of.

12. Order dasti under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

MAY 30, 2022/ab