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

% *Date of decision: 28th April, 2022*

+ CONT.CAS(C) 1067/2019

JEET NATH Petitioner

Through: Mr. Prabhakar, Advocate
versus

GOVIND RAM BAFNA & ANR Respondents

Through: Ms. Ritu Jain, Advocates
Ms. Prachi Johri, Advocate for
Resolution Professional

+ CONT.CAS(C) 1068/2019

BHOLA NATH LAL Petitioner

Through: Mr. Prabhakar, Advocate
versus

GOVIND RAM BAFNA & ANR Respondents

Through: Ms. Ritu Jain, Advocates
Ms. Prachi Johri, Advocate for
Resolution Professional

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

JUDGMENT (oral)

1. By way of this common order, we hereby dispose of two contempt cases.
2. Vide the present contempt cases, the petitioners are seeking initiation of Contempt of Court proceedings against the respondents for not complying



and/or violating the order dated 22.11.2018 and 02.05.2019 passed by the Co-ordinate Bench of this Court in LPA No.532/2018 & LPA No.534/2018 and direction to respondents to comply with the aforesaid orders, their personal appearance on the next date of hearing and to reimburse the expenses incurred by the petitioner to file this contempt petition before this Court.

3. Ms. Ritu Jain, learned counsel accepts notice on behalf of respondents.

4. Learned counsel for respondents has drawn attention of this Court to the order dated 10.07.2019 passed by Co-ordinate Bench of this Court wherein it was recorded that counsel for the respondents submits that the salary was paid only yesterday, i.e. 09.07.2019, whereas present cases were filed on 21.11.2019. Since the directions passed by this Court were already complied with before filing the present contempt cases, therefore, no contempt is made out against the respondent.

5. At this stage, learned counsel for petitioners submits that after July 2019, salary was not paid to the petitioners, therefore, being aggrieved by the acts of the respondents, they filed the present contempt cases in the month of November, 2019.



6. Learned counsel for respondents has drawn the attention of this Court to the order dated 18.02.2020 passed by Co-ordinate Bench of this Court in LPA 532-34/2018 which is as under:

“1. The Respondent - Bhola Nath Lai (LPA 532/2018) is present in Court. We have interacted with him. In response to our query, he states that he is 62 years of age. The age of superannuation in the Appellant Company is 60 years. That being the position, there was no question of directing his reinstatement and even if he were to succeed, he may be entitled to arrears. In view of the aforesaid, the Appellant is not obliged to take services from Bhola Nath Lal any longer.

2. Learned counsel for the Appellant states that she has brought the amount of Rs. 76,110/- towards salary for November, 2019 to December, 2019 and January, 2020 in respect of all the three Respondents. The said amount has been tendered to the learned counsel for the Respondent who should distribute the same between the three Respondents.

3. The other two Respondents i.e. Ram Sagar (LPA 533/2018) and Jeetnath (LPA 534/2018) are also present in Court. We have interacted with them Jeetnath states that he has a daughter who is 40 years of age. Our impression is that he is above 60 years. However, he states that he is 57 years of age. The other Respondent - Ram Sagar states that is 54 years old. He states that he has two children who are 20 and 17 years respectively. We direct both these Respondents to file an affidavit within four weeks, placing on record the birth certificates of their children; the Election Cards and the Aadhar Cards of their respective children, apart from the other proofs of their own ages respectively. They shall also undergo their respective Bone age Test at AIIMS. For that purpose, they shall present themselves before the Director - AIIMS on 17.03.2020. Copy of this order be communicated to the Respondents and



the Director - AIIMS for compliance. The report of AIIMS should be sent to this Court before the next date.

4. List on 23.04.2020.”

7. Pursuant to direction in para 3 of the aforesaid order, neither the petitioners filed affidavit nor they underwent for their respective bone-age test at AIIMS.

8. As stated by learned counsel for respondents that respondent-company (M/s Shree Om Enterprises Pvt. Ltd.) is now under liquidation, Resolution Professional has already been appointed and moratorium period is in operation against the said company.

9. Even otherwise in view of para 2 order dated 18.02.2020 passed by Co-ordinate Bench of this Court in LPA 532-34/2018, we find that no contempt is made out against the respondents.

10. Accordingly, the present cases are dismissed.

(SURESH KUMAR KAIT)
JUDGE

(SUDHIR KUMAR JAIN)
JUDGE

APRIL 28, 2022/rk