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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 01.05.2023

+ CONT.APP.(C) 19/2023 and CM APPL. 21843/2023

MUJEEB UR REHMAN & ANR.

..... Appellants

Through: Mr. Rajinder Mathur, Mr. Tarun Mathur and Mr. Akshat Singhal, Advocates.

versus

SHAMSUL ISLAM & ORS.

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel for MCD with Mr. R. Gupta, Advocates for R-2
Mr. Manaswy Jha on behalf of Mr. Anubhav Gupta, Advocate for R-3

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

CM APPLs.21844/2023 & 21845/2023 (exemption)

1. The applications are allowed, with a direction to the applicant to file requisite legible copies of documents and annexures within four weeks.
2. The applications are accordingly disposed of.

CONT.APP.(C) 19/2023

3. The petitioner in his petition has made following prayers:

a) To set aside the impugned order dated 13.03.2023

4. The admitted facts are that on 13.11.2019, the Court was pleased to pass an order that SDMC has sealed the property and respondent nos. 3 to 5 were restrained from carrying out any construction in the property.

Thereafter, on 16.02.2020, the appellants herein, (respondent nos. 3 and 4) in the writ petition filed the reply to show cause notice stating that the writ petition was legally not maintainable since there were suppression of facts and misrepresentations. They also stated that the writ petition was a counter blast to the litigation pending between Akhtar Islam (father of Shamsul Islam) and the appellants herein; there was no illegal construction as alleged, only repairs were being carried out; the house in which shamsul Islam lives is at a distance of about 3 Km from the property of the appellants herein. The reply was also duly supported by the pleadings.

5. On 11.09.2020, Shamsul Islam filed Civil Contempt Petition no. 845/2020 against the appellants. It was inter alia pleaded that the Court may initiate contempt proceedings against the respondents/ contemnors as provided under Section 2 (B) of the contempt of Courts Act, 1971 read with Section 11, 12 and 14 of the Act for violation of order dated 13.11.2019 passed in W.P. (C) No. 6444/2019. The appellants herein contested the said contempt petition vide reply dated 07.10.2021 and it was inter alia submitted that the appellants herein had not violated the order dated 13.11.2019, passed in W.P. (C) No. 6444/2019.

6. Learned counsel for the appellants submits that the appellants respect the sanctity of the courts and duly complied with the orders passed by this Court. The contempt petition was legally not maintainable since there was suppression of facts and misrepresentations. Moreover, the learned Single Judge vide the impugned order has expanded the scope of the contempt.

7. It is not in dispute that in the contempt petition, no order of holding the appellants guilty was passed.

8. By the impugned order dated 13.03.2023, the respondent nos. 3 and

4/appellants herein were directed to place on record the list of particulars of the individuals who were occupying the property and also to disclose the right, title and interest, if any, of the said individuals occupying the property. The appellants herein were directed to place on record the documents, if any, executed by the appellants herein pertaining to subject property, during the pendency of the contempt petition.

9. In view of the above, we find no ground on the which the present appeal may be allowed.

10. Accordingly, the present appeal is disposed of. Pending application, if any, also stands disposed of.

11. The liberty is granted to the appellants to take appropriate steps for clarification, if any, before the learned Single Judge.

(SURESH KUMAR KAIT)
JUDGE

(NEENA BANSAL KRISHNA)
JUDGE

May 01, 2023/PA