



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

Date of decision: 29th NOVEMBER, 2023

IN THE MATTER OF:

+ **CONT.CAS(C) 907/2023**

MAMCHAND

..... Petitioner

Through: Petitioner in – person.

versus

NARENDER KUMAR @ NEERAJ AND OTHERS & ANR.

..... Respondents

Through: Mr. Rishikesh Kumar, ASC for GNCTD with Mr. Sudhir, Ms. Sheenu Priya and Mr. Shashwat Sharma, Advocates.

+ **CONT.CAS(C) 1059/2023**

MAMCHAND

..... Petitioner

Through: Petitioner in – person.

versus

NARENDER KUMAR @ NEERAJ AND OTHERS Respondents

Through: Mr. Pankaj Vivek, with Mr. Atul Tripathi and Mr. Himanshu Chuch, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. CONT.CAS(C) 907/2023 has been filed by for initiating contempt proceeding against the Respondents for filing false and fabricated documents



and producing the same before the District Magistrate and before this Court in W.P. (C) No. 14264/2022.

2. CONT.CAS(C) 1059/2023 has been filed for initiating contempt proceedings against the Respondents stating that the Respondents have filed frivolous writ petition on the basis of false documents and for payment of damages for the sum of Rs.14 lakhs.

3. For the sake of convenience, CONT.CAS(C) 907/2023 is being taken up as the lead matter.

4. The Petitioner has filed the instant contempt petition for punishing the Respondents who according to him have prepared false and fabricated documents and produced the same before the District Magistrate and before this Court in W.P.(C) 14264/2022.

5. Writ petition being W.P. (C) 14264/2022 has been filed by the Respondents challenging the Order dated 08.09.2022 passed by the Appellate Authority allowing the appeal filed by the Petitioner herein setting aside the Order dated 13.10.2021 passed by the District Magistrate(West) under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

6. The District Magistrate *vide* Order dated 13.10.2021 had dismissed the application filed by the Petitioner herein for eviction of Respondents from premises bearing House No.A-32, Janta Colony, Raghubir Nagar, New Delhi-110027, under the Maintenance and Welfare of Senior Citizens Act (*hereinafter referred to as the 'Senior Citizens Act'*). However, the said order has been reversed by the Appellate Authority which has allowed the



application for eviction filed by the Petitioner herein under the Senior Citizens Act and the Rules.

7. The Petitioner herein approached the Tribunal under the Senior Citizens Act contending that the Petitioner is the owner of the property bearing House No.A-32, Janta Colony, Raghubir Nagar, New Delhi. The Petitioner states that he had married to one Neelam Rani and Respondents No.1, 2 and 3 are sons and daughter-in-law of Neelam Rani, who are residing with her in House No.A-32, Janta Colony, Raghubir Nagar, New Delhi.

8. It is stated that Neelam Rani was married to one Prem Prakash. It is stated that after the death of Prem Prakash, she married the Petitioner herein. It is stated that Neelam Rani and her children had dispossessed the Petitioner herein from the property bearing House No.A-32, Janta Colony, Raghubir Nagar, New Delhi.

9. In the reply to the writ petition, the Petitioner has primarily placed reliance on an affidavit filed by Neelam Rani in Criminal Misc. (M) No. 31/1984 wherein Neelam Rani has described herself as the wife of the Petitioner herein. The Petitioner also places reliance on documents like water and electricity bills etc. to show his possession.

10. Pending the writ petition, the Petitioner has filed the instant contempt petitions stating that the affidavit in the writ petition being W.P.(C) 14264/2022 has been filed in the name of Narender Kumar but his real name is Harenhdr, and, therefore, fraud has been played with this Court.

11. The Petitioner has also stated that the said Narender Kumar @ Neeraj, the Petitioner in W.P.(C) 14264/2022 has filed false and fabricated



documents from page 217 to 249 of the writ petition, i.e., Power of Attorney, Agreement to Sell dated 21.07.1972 executed by Mohan Company through its Proprietors Sudarshan Mohan in favour of Prem Prakash, S/o Bal Kishan. It is stated that the the said documents do not bear the signatures of both the parties and further there is no stamp of the Notary Public and have not been sealed or stamped by the Notary Public. It is stated that the signatures of Sudarshan Mohan and witnesses are bogus and fabricated and are not genuine.

12. It is stated that the said Mohan and Company and Sudarshan Mohan are not the owners of A-32, Janta Colony. It is further stated that the Petitioner in W.P.(C) 14264/2022 produced a false Will dated 10.04.1975 executed by Prem Prakash. It is also stated that the death certificate of the said Prem Prakash does not give his age or address and also does not state whether Prem Prakash was married or unmarried. It is stated by the Petitioner that Prem Prakash unemployed and was living separately.

13. It is further stated that the Ration Card that has been produced by Neelam Rani, daughter/wife of Late Ram Prakash is incomplete. The Petitioner, therefore, prays for initiation of contempt proceedings.

14. This Court has *vide* Judgment dated 29.11.2023 has allowed the writ petition being W.P.(C) 14264/2022.

15. This Court has perused the documents. Other than *ipse dixit* of the Petitioner, this Court has no reason to doubt the veracity of the documents produced by the Respondent/contemnors.

16. The Petitioner has approached the Tribunal under the Senior Citizen Act claiming that he is a senior citizen who is entitled to be maintained by



the Respondents. This Court has allowed the writ petition being W.P.(C) 14264/2022 on the ground that the Petitioner herein has not been able to substantiate that Petitioner herein was married to the Neelam Rani, i.e., mother of Respondent No.1 herein and that there is any obligation on the part of Respondent No.1 to maintain the Petitioner herein when no proof has been produced by the Petitioner that he is married to the mother of Respondent No.1 herein.

17. Admittedly, Neelam Rani, was married to one Prem Prakash. The passports etc. shows that Neelam Rani is the wife of Late Prem Prakash.

18. In view of the fact that W.P.(C) 14264/2022 has been allowed by this Court, this Court is not inclined to entertain the instant contempt petitions.

19. The petitions are dismissed along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

NOVEMBER 29, 2023

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