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

Date of decision: 13.12.2023

+ **CM(M) 2058/2023 & CM APPL. 64597/2023**

GUNJAN KUMAR

..... Petitioner

Through: Ms. Sumitra Choudhary, Advocate
(Through VC) with Ms. Renu Bajpai,
Mr. M.K. Raghauman and Mr.
Vivek Yadav, Advocates

versus

VEDANT & ORS

..... Respondents

Through: Respondent No. 3 in person

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 64598/2023 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 2058/2023 & CM APPL. 64597/2023

1. This petition impugns the show cause notice dated 14.08.2023 issued by the Civil Judge, District North-West, Rohini Courts, Delhi (**Trial Court**) in the Contempt Petition filed by the Respondent No. 1 under Sections 2, 10 and 12 of the Contempt of Courts Act, 1971 and under Section 340, Code of Criminal Procedure, 1973 ('Cr.P.C.') and under Sections 193 and 195 of the



Indian Penal Code, 1860 read with Section 251 of Cr.P.C., against the Petitioner and the Respondent Nos. 2 and 3.

2. Learned counsel for the Petitioner states that no petition under Sections 2, 10 and 12 of the Contempt of Courts Act, 1971 is maintainable before the Trial Court.

2.1. She states that the jurisdiction for entertaining a contempt petition filed under Contempt's of Courts Act, 1971 vests with the High Court and Supreme Court alone.

2.2. She states that the Petitioner has already filed her preliminary objections protesting against the maintainability of the said petition and the matter is next listed before the Trial Court on 14.12.2023.

2.3. She states that Petitioner is duly represented by a lawyer before the Trial Court for addressing the said arguments.

3. Respondent No. 3 appears in person and states that he as well, adopts the preliminary objections, which have already been filed by the Petitioner objecting to the maintainability of the said petition before the Trial Court and relies upon the same. The said statement is taken on record.

4. This Court has considered the submissions of the Petitioner and perused the record.

5. The learned Trial Court is requested to hear and decide the preliminary objections filed by the Petitioner expeditiously and preferably within four (4) weeks from 14.12.2023; the date already fixed before the Trial Court; in accordance with law.

6. Learned counsel for the Petitioner states that since the Petitioner is a practicing lawyer, he has matters listed before multiple forums and therefore, seeks exemption from personal appearance at every hearing;



however, undertakes to remain personally present before the Trial Court as and when directed.

7. In the facts of this case, the Petitioner is exempted from his physical appearance on each date of hearing. He is, however, directed to join the proceedings through Video Conferencing and remain physical present, if so, directed by the Trial Court specifically.

8. With the aforesaid directions, the present petition is disposed of.

9. A copy of this order be given *dasti* under the signatures of the Court Master.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 13, 2023/rhc/MG

Click here to check corrigendum, if any