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

% ***Date of decision: 22nd August, 2024***

+ **CM(M) 3198/2024 & CM APPL. 47988/2024**

PAYAL JAIN

.....Petitioner

Through: Present in person.

versus

MAMTA NAGPAL

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been filed under Article 227 by Ms. Payal Jain, Advocate.
2. She is representing the landlady in one Eviction Petition filed on the ground of subletting in terms of Section 14(1) (b) of Delhi Rent Control Act.
3. During course of the proceedings of the above said trial, applications were moved from the side of the tenant seeking initiation of contempt. These were filed under Section 12 of Contempt of Courts Act as well as under Section 340 Cr.P.C requesting initiation of contempt proceedings not only against the landlady but also against their counsel, Ms. Payal Jain.
4. It is also important to mention that such applications were though taken up by the learned Court of Additional Rent Controller on 03.09.2022 but it was decided by the learned Controller that these would be considered after



recording of the entire evidence.

5. In the meanwhile, the Bar Council of Delhi has issued public notice whereby all the Advocates enrolled with Bar Council of Delhi have been asked to submit the details for the purposes of verification/declaration. The last date for such rectification is 30.09.2024.

6. Since, the above said application seeking Contempt was under contemplation, Ms. Payal Jain, learned Advocate moved an application under Section 151 CPC seeking modification of order dated 03.09.2022 with the request that such application seeking Contempt may be taken up and considered as expeditiously as possible, at least before the above said deadline given by Bar Council of Delhi.

7. Petitioner is aggrieved by order dated 09.08.2024 whereby such application has, rather, been kept for hearing by the learned Trial Court on 14.10.2024.

8. According to petitioner, the entire purpose of moving the aforesaid application stands frustrated because by that time, the deadline would be over. It is, therefore, prayed in the present petition that the learned Trial Court may be requested to take up the above said application well in advance so that the petitioner is in a position to submit her verification before the due date.

9. Keeping in mind the above said peculiar facts, the present petition is disposed of with the direction to the petitioner herein i.e. non applicant- Ms. Payal Jain to appear before the learned Trial Court on 31.08.2024. Learned Trial Court, in view of the urgency cited as above, would hear the above



application and would make best endeavor to dispose of the same in accordance with law as expeditiously as possible, preferably, well before the above said deadline.

10. Petition stands disposed of with the aforesaid directions.
11. Order dasti under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

AUGUST 22, 2024/sw