



\$~43

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

+ **CONT.CAS(C) 1399/2024**

MAMTA NAGPAL

.....Petitioner

Through: Mr. Vikram Singh Dahiya,
Advocate.

versus

RAJ RANI & ANR.

.....Respondents

Through: Ms. Payal Jain, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

11.11.2024

1. The petitioner alleges contempt of an order dated 09.12.2019 passed in RFA No. 659/2018. The said order reads as follows:

“CM APPL No.23213/2019

Today we are left with no time, as there is part heard matter in post lunch session.

List on 19.02.2020 and in the meanwhile, list of tenants in the premises as inducted by the respondents with details of rentals be filed within four weeks with an advance copy thereof to the learned counsel for appellant.”

2. When the contempt petition was first listed on 04.09.2024, the Court recorded as follows:

“CONT.CAS(C) 1399/2024

3. Learned counsel appearing for the respondent on advance notice submits that the list of tenants in terms of order dated 09.12.2019 has already been supplied to the learned counsel for the petitioner before the District Judge, where the matter was earlier pending thereat. Anyhow, a fresh list be provided today itself to the petitioner.



4. Subject to the orders of the Hon'ble the Acting Chief Justice, let the present matter be placed for consideration before the concerned Court along with RFA No.659/2018 on 19.09.2024.”

3. The respondents-contemnors have thereafter filed a reply to the contempt petition in which it is *inter alia* stated as follows:

“4. Para No. 8 to 9, the contents are incorrect. It is submitted that the answering Respondent failed to comply with the direction of this Hon'ble Court inadvertently, as the captioned matter was listed with another RFA No. 697/2018 and generally similar order is passed in both RFAs, whereas in the order dated 09.12.2019 in RFA No. 697/2018, no such direction was recorded. Hence, inadvertently, the answering Respondent forgot to comply with directions given vide Order dated 09.12.2019 in the captioned RFA. Hence, the same was neither intentional nor willful. It is pertinent to mention that the answering Respondent also provided a fresh list of tenants with the amount of rent to the Petitioner through her counsel vide Email dated 04.09.2024 and the same was filed in RFA No. 659/2018 vide Dairy No. 3551563/2024. The Copy of order dated 09.12.2019 in RFA No. 697/2018 and the Copy of the Email dated 04.09.2024 sent by the counsel to the Petitioner herein are annexed herewith as **ANNEXURE-D** and **ANNEXURE-E**.”

4. The e-mail in question has admittedly been received by learned counsel for the contempt petitioners.

5. In these circumstances, I am of the view that it is not appropriate to proceed further in contempt. The explanation of the respondents for non-compliance of the order dated 09.12.2019 is accepted, to the extent that it is not possible to come to a conclusion that there was intentional or wilful disobedience of the order, which is the *sine qua non* for action in contempt.

6. Mr. Vikram Singh Dahiya, learned counsel for the petitioner, submits that the fresh list of tenants, which has been supplied to him through e-mail dated 04.09.2024, and also filed in RFA No. 659/2018, is unsigned and unverified, and not supported by affidavit. As far as this



aspect is concerned, the parties can make their respective submissions in the appeal. This aspect also does not disclose any wilful or deliberate violation of any express direction contained in the order dated 09.12.2019.

7. The contempt proceedings are therefore closed, without prejudice to the rights and contentions of the parties in the appeal.

CM APPL. 55202/2024*(Application on behalf of petitioner against respondent for making false)*

1. The petitioner has filed this application seeking registration of a case against the respondents under Section 379 of the Bharatiya Nagrik Suraksha Sanhita, 2023. As far as this aspect is concerned, Mr. Dahiya states that he would like to file such an application in RFA No. 659/2018.

2. The present application is, therefore, disposed of as withdrawn with liberty to file the application, if so advised, in the appeal.

PRATEEK JALAN, J

NOVEMBER 11, 2024/MR/