



2024:DHC:8701-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **CONT.CAS(C) 1723/2024 & C.M.No.64379/2024****DR HANS U NAGAR**

.....Petitioner

Through: Mr.Rajesh Yadav, Sr.Advocate with
Mr.K.Sharma and Mr.Amiet Andlay,
Advocates.

versus

JOHN NAGAR & ANR

.....Respondents

Through: Mr.Anupam Lal Das, Sr.Advocate
with Mr.Ujjwal Jha, Mr.Rohan Gupta
and Mr.Anirudh Singh, Advocates.

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Date of Decision: 04th November, 2024**CORAM:****HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****MANMOHAN, C.J : (ORAL)**

1. Present contempt petition has been filed by the Petitioner-Dr. Hans U. Nagar seeking initiation of contempt proceedings under the Contempt of Courts Act, 1971 against the Respondent Nos.1-John Nagar and 2-Ronald Nagar for alleged disobedience of the orders dated 13th February, 2019, 06th September, 2019, 22nd July, 2021 and 02nd August, 2024 passed by this Court in FAO (OS) No.3/2019.

2. At the outset, learned senior counsel for the Petitioner tenders an unconditional apology for the averments made in paragraph 13.4 of the present contempt petition, wherein certain remarks have been made against

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the learned senior counsel appearing for Respondent Nos.1 and 2.

3. The statement made by learned senior counsel for the Petitioner is accepted by this Court the Petitioner is held bound by the same. Accordingly, the averments made in paragraph 13.4 of the present contempt petition are deleted.

4. Learned senior counsel for the Petitioner also states that along with the present contempt petition, inadvertently two sale deeds of Farm No.5 have been filed instead of the sale deed of Farm No.8. He has today in Court handed over a photocopy of the sale deed of Farm No.8, which is taken on record.

5. It is pertinent to note that the Petitioner had filed another contempt petition bearing CONT.CAS(C) No.1565/2024 with an identical prayer. The said petition was dismissed by a judgement of this Court vide order dated 30th September, 2024. This Division Bench, after perusing the orders dated 13th February, 2019, 06th September, 2019, 22nd July, 2021 and 02nd August, 2024 had categorically held that the *status quo* was only with respect to the case of two servant quarters/rooms on Farm No.8 at Nagar Estate, Village Gadaipur, Mehrauli, New Delhi, and that the *status quo* was not with respect to the entire Farm No.8. Noting that the keys of the two servant quarters/rooms continue to be with Mr.B.B Gupta, Senior Advocate, the said contempt petition was disposed of.

6. Learned senior counsel for the Petitioner states that the Respondent No.1-Mr.John Nagar has executed a sale deed dated 30th August, 2024 for sale of the entire Farm No.8 including the two servant quarters/rooms for which *status quo* has been granted. He states that as per the sale deed there is no legal impediment in selling the said land, which makes it clear that the



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sale deed has been executed in respect of the entire Farm No.8 including the said two servant quarters/rooms and therefore, the Respondents are in violation of the doctrine of *lis pendens*.

7. He contends that it is apparent that the Respondents had made a false statement during the hearing held on 30th September, 2024 in CONT.CAS(C) 1565/2024 that the two servant quarters/rooms were not sold.

8. He states that the conduct of the Respondents is in wilful and deliberate disobedience of the aforementioned orders passed by this Court and the statement made before this Court during the hearing held on 30th September, 2024 in CONT.CAS(C) No.1565/2024.

9. Having heard learned counsel for the Petitioner, this Court is of the view that the orders dated 13th February, 2019, 06th September, 2019, 22nd July, 2021 and 02nd August, 2024 are only confined to the two servant quarters/rooms located on Farm No.8 on the subject property. This view had been recorded in the order dated 30th September, 2024 while disposing of the CONT.CAS(C) No.1565/2024. The relevant portion is reproduced hereinbelow:

“6. On a reading of the three orders referred to above, it is apparent that these orders were confined only to the two rooms mentioned in the order dated 13th February, 2019 and not to the subject property in question as Mr. Yadav, learned senior counsel for the petitioner would like us to believe. It appears that the present contempt petition has been filed on a misreading of the aforesaid orders. Moreover, we are satisfied with the statement given by Mr. Anupam Lal Das, learned senior counsel and are of the opinion that the present petition can be disposed of on the said statement.”

10. Further from a perusal of the sale deed dated 10th August, 2023 executed between John Nagar and M/s Seraglio Property Mart LLP, there



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appears to be nothing to substantiate the contention of the Appellant that the Respondents have deliberately sold off those two servant quarters/rooms against which *status quo* order has been passed.

11. Moreover, the learned senior counsel for the Respondents had clarified during the hearing held on 30th September, 2024 in CONT.CAS(C) 1565/2024 that the two servant quarters/rooms have not been sold and that Farm No.8, as per the Memorandum of Understanding dated 15th September, 2011 and the Consent Decree dated 12th April, 2012, fell to the share of the Respondents only. In fact, the said statement is reiterated by the learned senior counsel for Respondent No.1 today, on the instructions of Respondent No.1, who is personally present in Court.

12. It is trite law that the power of punishment for contempt must be used sparingly. Moreover, willful disobedience of the orders must be shown to make a case for contempt. In the present case, an attempt has been made to establish contempt by only relying on conjectures and surmises.

13. Therefore, no case for contempt is made out by the Petitioner. Accordingly, the present contempt petition along with the application is dismissed.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 4, 2024
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