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

+ **CONT.CAS(C) 1649/2025**

SHRI SUNIL KUMAR SHARMA & ANR.Petitioners

Through: Mr. B.S. Sharma, Advocate alongwith
petitioner no. 1 in person.

versus

SHRI SUNIL GOLCHHA & ORS.Respondents

Through: Mr. Amit Gupta, SPC with Mr. Vidur
Dwivedi, GP.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

06.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 10/12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, 1950 seeks following prayers:-

“(a) initiate contempt proceedings against the respondents/contemnors by summoning them;

(b) punish the respondents/contemnors for the contempt of this Hon’ble Court in accordance with law for deliberately, intentionally and malafidely violating and disobeying orders passed by this Hon’ble Court in order dated 17.02.2023 passed in W.P. (Crl.) No.927 of 2022, in the interest of justice;

(c) to pass any other order or direction(s) in favour of the applicant/ as this Hon’ble Court may be deem, fit, just and proper and expedient in the facts and circumstances of the present case.”

3. *Vide* order dated 17.02.2023 in W.P.(CRL) 927/2022, learned



Coordinate Bench had passed the following directions: -

“2. Learned counsel for the petitioners contends that respondent no.1 and 2 are husband and wife and are living on the first floor of property bearing No. B-37A, Satyawati Colony, First Floor, Ashok Vihar Phase-3, Delhi-110052 and is a retired government employee. The property is jointly owned by his brothers including respondent no.4 who is residing at the ground floor and second floor of the property. The brother of the petitioner is creating trouble and hindrances in enjoyment of common areas and various incidents in that regard occurred including threats to life and property. The complaint was filed with the police. Also the SDM on 10th February, 2021 recommended directions.

3. In this view of the matter it would be provide the numbers of the Beat Constable and the SHO of the concerned area to the petitioners for them to communicate with in case any threat is perceived.

4. The SHO, if contacted, shall ensure that no physical harm is caused to the petitioners in view of above facts and circumstances.”

4. The grievance of the petitioners in the present petition is that brother of petitioner No.1 and other family members are storing objectionable, prohibited, hazardous, inflammable and offensive acids and chemical on the roof of the property for the purposes of carrying out illegal activities, which poses great threat to life and liberty of the petitioners and his family. Accordingly, it is submitted that the petitioners gave a representation to the concerned SHO for providing protection and security but nothing was done. It is further submitted that brother of petitioner No.1 in order to defeat the joint rights of the petitioners, transgressed the property, *i.e.*, common space of staircase leading to roof from second floor portion by erecting/installing wooden/steel almirah. It is further submitted that no action has been taken against the brother of petitioner No.1 or his family members for their aforesaid acts and conduct.



5. Learned Coordinate Bench, while disposing of the aforesaid petition *vide* order dated 17.02.2023 had given directions to provide the number of Beat Constable and SHO of the concerned area to the petitioners to communicate in case any threat is perceived.
6. The grievance of the petitioners is with respect to the actions being not taken against the brother of petitioner No.1 and family members. Aforesaid allegations by the petitioners cannot be adjudicated in the present proceedings. The petitioners are always at liberty to initiate appropriate proceedings in accordance with law before the Court of competent jurisdiction against the brother of petitioner No.1 for his actions as pointed out hereinabove.
7. In these circumstances, the present petition is disposed of with liberty to the petitioners to initiate appropriate proceedings in accordance with law before the Court of competent jurisdiction.
8. Pending application(s), if any, also stand disposed of accordingly.

AMIT SHARMA, J

NOVEMBER 06, 2025/sn