
(2016) 07 DEL CK 0185

In the Delhi High Court

Case No : CONT.CAS(C) 451 of 2003 & CM APPLs. 9447 of 2004, 8015 of 2007, 2195 of 2009

Sh. Ghasi Ram Jain Through Lrs.

APPELLANT

Vs

Prem Chand

RESPONDENT

Date of Decision : 14-07-2016

Acts Referred:

Contempt of Courts Act, 1971 — Section 2(a)

Citation : (2016) 7 ADDelhi 665

Hon'ble Judges : Manmohan, J.

Bench : Single Bench

Advocate : Mr. Ashok Chhaparia, Advocate, Mr. Uttam Chand Jain, P/LR no. 1 in person, for the Petitioners; Mr. J.K. Bhola with Mr. Ankit Jain, Advocates, for the Respondents Nos. 1 to 3; In person, for the Respondent No. 2

Final Decision : Dismissed

Judgement

Manmohan, J. (Oral)—Present contempt petition has been filed alleging wilful disobedience of the order dated 12th May, 2003 whereby respondent nos. 1 to 3 had been directed to maintain status quo with regard to construction in question. The relevant portion of the order dated 12th May, 2003 reads as under:-

"The appellant claims to be the joint owner of one fourth share in property situated in Khasra Nos. 32/16/1, 32/16/3 and 60/21/2 being total area of 5 bighas and 3 biswas (except the portions marked ABCD and EFGH of 150 sq. yards area in each Khasra No. 60/21/2) in Village Pallam."

2. It is the case of the respondent nos. 1 to 3 that the alleged construction had been carried out only in the portion of the property shown as EFGH and same is not covered by the order dated 12th May, 2003.

3. As during the proceedings learned counsel for the petitioner stated that the construction which had continued beyond 12th May, 2003 is not only in the

portion EFGH but even beyond the same, learned Predecessor of this Court vide order dated 21st November, 2005 directed the petitioner to lead evidence. The petitioner was directed to file an affidavit by way of evidence. It was specifically directed that the evidence led should clearly bring out the construction effected on the portions EFGH and portions other than EFGH.

4. However, during the evidence no site plan was filed showing construction in the above portions marked A to H. The relevant portion of the cross examination of the deceased petitioner is reproduced herein below:-

"I have filed photographs showing portions A, B, C, D and E, F, G, H prior to June, 2003. But I have not filed any site-plan showing the construction in the above portion marked A to H."

5. From the evidence on record, it is not possible for this Court to conclude that the construction complained of had been carried out in portions beyond the portion EFGH.

6. Consequently, present contempt petition is dismissed. All pending applications stand disposed of.