

CNR No. DLWT03-003149-2022
Contempt Petition No. 33/22
JAI SHREE DEVI Vs. BIKHI DEVI

The court is being conducted physically as well as virtually.

02.02.2023

Present: Defendant no. 2/petitioner in person with proxy counsel.
Sh. A.K. Dhupar, counsel for the respondent/plaintiff along with the plaintiff in person.

Arguments heard on the applications.

The present application is filed on behalf of the defendant no. 2 under Section 10 and 12 of the Contempt of the Courts Act.

It is submitted by the defendant no. 2 that vide order dated 01.04.2011, the court had directed the parties to maintain status quo with regard to the property in question and not to create any third party interest. It is further stated that the plaintiff did not comply with the order and handed over the possession of the first and second floor of the suit property to the tenants on rent basis.

The plaintiff in the reply has stated that the present application is frivolous and no violation has been committed by the plaintiff with regard to the status quo order.

In order to decide the application, the court has to see whether the parties have willfully disobeyed the order of the

court which requires initiation of the contempt proceedings.

I have the perused the order dated 01.04.2011. In the said order, the court had restrained the parties to maintain the status quo and not to create third party interest. Further, in the said order, a reference is made to the application of the defendant wherein it has come on record that tenants were already residing at the suit property.

In my opinion, there is no violation of the court order regarding the status quo which requires initiation of contempt proceedings. The tenants were already there at the suit property before the directions were passed on 01.04.2011 and to induct the tenants thereafter will not amount to the contempt of the court. Accordingly, the application is dismissed and disposed of as no interference of the court is required as no material evidence or document is annexed with the application to show the violation of the court order dated 01.04.2011.

File be consigned to the Record Room as per rules.

(ABHISHEK KUMAR)
(JSCC/ASCJ/GJ(WEST))
Delhi :02.02.2023