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

+ **CS(OS) 5/2012**

YASHWANT SINGH

..... Plaintiff

Through: Mr. Mohit Chaudhary and Ms.
Anubha Surana, Advocate.

versus

ASHUTOSH VERMA

..... Defendant

Through: Mr. Arun K. Srivastva, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.03.2022

I.A. 467/2022 (u/O XXXIX Rule 2-A Code of Civil Procedure, 1908, r/w Section 12, Contempt of Courts, Act, 1971 for willful, deliberate, disobedience of Order dated 16th December, 2021 passed by this Court and for the Act of continuous contempt)

1. By way of this application, the Plaintiff contends that the Defendant has been deliberately preventing the Plaintiff from entering the suit premises despite a specific direction to that effect given by this Court *vide* Order dated 16th December, 2021, which, for the sake of convenience is reproduced hereunder:

“16. The following directions are additionally issued:

- (I) The respondent/defendant shall not interfere with the peaceful egress and ingress from the main gate of the applicant/plaintiff, his servants and family members as also to their free access to the basement, ground floor and second floor of the suit property i.e. A-24, Kailash Colony, New Delhi;*
- (II) The electricity supply to these portions shall be restored by the respondent/defendant at his own costs;*
- (III) The CCTV cameras found removed as noted in the Local Commissioner's*



- Report shall be restored by the respondent/defendant at his own costs;*
- (IV) *The respondent/defendant shall replace the name plate including the name of the applicant/plaintiff at his own costs;*
- (V) *The respondent/defendant is restrained from interfering with the applicant/plaintiff parking his car inside the main gate.”*

2. Mr. Arun K. Srivastva, counsel for the Non-Applicant, vehemently denies this and states that the Defendants are not creating interferences with the Plaintiff's ingress and egress into the basement, ground floor and the second floor of the suit property.

3. On the other hand, Mr. Chaudhary, counsel for the Plaintiff, states that the ground situation is entirely different. When the Plaintiff attempted to enter the suit premises, they were prevented by bouncers blocking the main gate.

4. Considering the above noted circumstances, in order to resolve the controversy, it is ordered as follows:

- (a) A Local Commissioner is appointed, who shall accompany the Plaintiff on 17th March, 2022 to the suit premises, to observe in case any ingress or egress is hindered by the non-Applicant.
- (b) The Local Commissioner shall furnish a report to the Court on this aspect, as well as with respect to the status of compliance of directions contained in paragraph no. 16 (II to V) of the order dated 16th December, 2021 (extracted above).
- (c) In carrying out the aforementioned orders, the Local Commissioner would be at liberty to videograph, photograph, and make notes, at their discretion.
- (d) The parties and their counsel shall be entitled to remain present at the time of visit, and shall, at all times, render full assistance



to the Local Commissioner for carrying out the aforementioned directions.

- (e) In the event of non-cooperation by the parties, the Court Commissioner is empowered to take necessary measures, including forcible possession by breaking open of any lock(s) on the premises. The Local Commissioner shall be at liberty to seek assistance from the police. The concerned police station shall offer necessary assistance to the Local Commissioner.
- (f) Ms. Nitya Sharma [Contact No. +91 9899009555] is appointed as the Local Commissioner. Fee of the Local Commissioner shall be fixed at Rs. 75000/- which shall be borne by the Plaintiff.
- (g) The Local Commissioner shall furnish his/her report to the Court within 4 weeks from the date of carrying out the commission.

5. Direction is also issued to the Deputy Commissioner of Police (South) to ensure that the Order dated 16th December, 2021 is wholly complied with. Registry is directed to send a copy of the said order, as well as the instant orders, to the DCP (South) forthwith.

6. Re-notify on 26th April, 2022.

SANJEEV NARULA, J

MARCH 15, 2022

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