



\$~32

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

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

YASHWANT SINGH

..... Plaintiff

Through: Mr. Mohit Chaudhary, Mr. Kunal
Sachdeva and Ms. Srishti Bajpai,
Advocates

versus

ASHUTOSH VERMA

..... Defendant

Through: None

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

%

19.04.2023

I.A. 7333/2023 (Exemption)

Subject to the plaintiff filing the clear, original and legible/typed copies of any dim documents on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

The application is disposed of.

I.A. 7332/2023 (Under Order XXXIX Rule 2A)

1. The instant application under Order XXXIX Rule 2-A read with Section 12, Contempt of Courts Act, 1971 been filed on behalf the plaintiff/non-applicant seeking the following reliefs:

“A. Initiate the contempt proceedings against the Defendant/



tenant for wilful, deliberate, and repeated disobedience and non-compliance of the order dated 21.12.2012, 16.12.2021, 15.03.2022 and 17.05.2022 passed by this Hon'ble Court, and punish him; and/or

B. Direct DCP South Delhi, Delhi Police/SHO G.K-1, Police Station to get executed the order dated 16.12.2021 in I.A. No. 110373/2021 and 17.05.2022 in I.A. No. 6164/2022, and after execution of said order fully file compliance of the same before this Hon'ble Court, and get the FIR registered, for Criminality involved in it; and/or

C. Pass an Order of Injunction in favour of the Plaintiff and against the Defendant, thereby restraining the Defendant, his agents, associates, representatives or persons acting through them, either directly or indirectly, carrying out construction since 16.03.2023 on the Terrace of the Suit Property being A-24, Kailash Colony, New Delhi - 110048; and/or

D. Pass any other appropriate orders, directions that this Hon'ble Court may deem fit in the facts and circumstances of the present case."

2. Learned counsel appearing on behalf of the plaintiff/applicant submitted that the plaintiff is a senior citizen aged about 70 years and is Doctor by profession and presently working as Professor and HOD in Patna Medical College Hospital of Govt. of Bihar and owner of property named A-24, Kailash Colony, New Delhi - 110048 having 1000 sq. yards in area with 4 floors constructed-Lower Ground (Basement), Ground Floor, First and Second floor (hereinafter referred to as the "suit property"). The first floor of the suit property is rented to Ashutosh Verma/Defendant/Tenant, who is deliberately not paying the rent from beginning. The defendant is indulged in committing heinous crime in order to capture/grab the plaintiff's suit property with help of six-seven musclemen whom he has accommodated permanently in rented unit of 1st floor of building against the



said order dated 21st December, 2012 21st December, 2012 in CS(OS) 5 of 2012 and against the rent lease dated 20th January, 2011.

3. It is submitted that the above said action of defendant/tenant is contemptuous to not only of the order dated 21st December, 2012 in CS (OS) 5/2012 passed by this Court but also the order dated 15th March, 2022 passed by this Court in IA No. 467/2022, order dated 17th May, 2022 by this Court in IA No. 6164/2022 and 16th December, 2021 passed by this Court in IA No. 11037/21.

4. Heard.

5. Issue notice to defendant/non-applicant through all permissible modes on filing PF within one week.

6. List on 26th July, 2023.

7. Till then, the parties are directed to maintain the *status quo*.

CHANDRA DHARI SINGH, J

APRIL 19, 2023

gs/as

Click here to check corrigendum, if any