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

+ **CONT.CAS(C) 1214/2024**

NARESH KHER

.....Petitioner

Through: **Mr. Anunaya Mehta and Mr. Vidhan Malik, Advocates**

versus

S. JAGJIT SINGH

.....Respondent

Through: **Mr. Rajat Aneja and Ms. Chandrika Gupta, Advocates with respondent in person**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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15.01.2025

This Court vide order dated 06.08.2024 had appointed a Local Commissioner to ascertain the current status of the suit property and as who is residing in the same in order to determine whether there is any contempt of the order of this Court. The Local Commissioner report has been filed.

This Court vide order dated 10.12.2024, took note of the orders passed by this Court on 11.03.2019 and 03.02.2022 wherein the parties were mandated to not to create any third party right and they were directed to maintain the status quo with respect to the said suit property.

Learned counsel for the petitioner submits that as per the report of the Local Commissioner, during the inspection by the Local Commissioner, Mr. Awnish Kumar, Lt. Commandant was found residing in the said suit property for one year along with his wife and children and also Constable Rishi Kumar was residing there.



Mr. Rajat Aneja, learned counsel for the proposed contemnors has not denied the possession of Mr. Awnish Kumar and his family and Constable Rishi Kumar. However, he submits that Mr. Awnish Kumar, Lt. Commandant is a well-known family friend of Mr. Jagjit Singh and he has been residing in the premises since March, 2024. Learned counsel submits that it was only a permissive use and the proposed contemnors have not charged even a single penny from Mr. Awnish Kumar. Learned counsel submits that since it was a permissive use, there is no violation of the status quo order passed by this Court. However, this Court considers that after having passed the status quo orders by this Court and the directions to the parties to not to create any third party rights, the proposed contemnor has opened himself for contempt proceedings.

Issue notice to S. Jagjit Singh as to why he should not be proceeded under the Contempt of Courts Act, 1971 for violating the orders passed by this Court on 11.03.2019 and 03.02.2024 in Ex.F.A. 5/2019.

Learned counsel for the respondent accepts notice and seeks time to file reply.

Let the reply be filed within four weeks with an advance copy to the learned counsel for the petitioner. Rejoinder thereto, if any, be filed within two weeks thereafter with an advance copy to the learned counsel for the proposed contemnor.

List on 07.04.2025.

DINESH KUMAR SHARMA, J

JANUARY 15, 2025

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