

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10692 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 8832 OF 2015]

JAGDISH CHANDER MALIK

Appellant (s)

VERSUS

MANMOHAN JUNEJA

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant approached this Court, aggrieved by the order dated 03.12.2014 passed by the High Court of Delhi in Cont. CAS (C) No. 574 of 2014. As per the said order, the High Court declined to grant any relief in the application for contempt filed by the appellant for the alleged violation of non-implementation of the order dated 11.01.2013.

The order to the relevant extent reads as follows :-

"On consideration of the material before us and the list of dates and events which is all that the petitioner appearing in person relied upon, we find no merit in the appeal. Learned single Judge made every endeavour to ensure that the documents are made available to the petitioner and towards

that objective, even fixed a date, time and place vide order dated 16.08.2012. The petitioner, however, never visited the office of the standing counsel for Government of Delhi (counsel for ROC) on the said date or time, but went five days later. Obviously the records were not available when the petitioner so visited. The petitioner has been only insisting that the records should have been made available when he chose not to go to the counsel, an aspect dealt with by the learned single Judge in the order dated 03.10.2012. The petitioner has been unnecessarily obstinate inasmuch as even in the order dated 03.10.2012, it is noticed that the learned single Judge offered it to the petitioner that another date can be fixed, but the petitioner was not willing to indicate any other date. Despite this, the learned single Judge has granted liberty to the petitioner to approach the office of ROC so that direction dated 16.08.2012 could be complied with as and when the appellant chooses to go to the office of the ROC.

The litigation is being carried out unnecessarily without any purpose."

3. In the impugned order, the High Court noticed, at paragraphs 3 and 4, as follows :-

"As a matter of fact, the Division Bench has observed that the petitioner has been unnecessarily obstinate inasmuch as even in the order dated 3.10.2012 it has been noticed that the learned single judge offered to the petitioner that another date can be fixed for the purpose of inspection of the record in the office of ROC, yet the petitioner was not willing to indicate the date. Despite all this, the learned single judge had granted liberty to the petitioner to approach the office of the ROC so that direction dated 16.8.2012 could be complied with by virtue of which the petitioner was to be provided certified copies of certain documents required by him.

4. I do not find that there is any direction, order or judgment passed by the court of which there is any disobedience and consequently, the present contempt petition is totally misconceived. Accordingly, the same is dismissed and the contempt notice is discharged."

4. Heard the learned counsel appearing for the appellant as well as the learned senior counsel appearing for the respondent. Having regard to the fact that the appellant only ultimately wants compliance of his application for which he had been granted date to approach the ROC, we are of the view that it is in the interests of justice that a further liberty is granted to the appellant. Accordingly, this appeal is disposed of, granting liberty to the appellant to approach the ROC within a period of two months from today, in which case, the ROC will take appropriate steps in terms of the original order dated 16.08.2012 in accordance of law, without further delay.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
August 21, 2017.

ITEM NO.9

COURT NO.5

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8832/2015

(Arising out of impugned final judgment and order dated 03-12-2014 in CC No. 574/2014 passed by the High Court Of Delhi At New Delhi)

JAGDISH CHANDER MALIK

Petitioner(s)

VERSUS

MANMOHAN JUNEJA

Respondent(s)

Date : 21-08-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Ranbir Singh Yadav, Adv.
Mr. Puran Mal Saini, Adv.
Ms. Anzu K. Varkey, Adv.
Mr. Pati Raj Yadav, Adv.
Ms. Shabana, Adv.
Mr. Harinder Mohan Singh, AOR (Not Present)

For Respondent(s) Ms. V. Mohana, Sr. Adv.
Ms. Liz Mathew, Adv.
Ms. Rachana Srivastava, Adv.
Mr Mukesh Kumar Maroria, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)