

Mahinder Singh and anr. Vs. Narinder Singh

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Court : Delhi

Decided On : Dec-18-1991

Reported in : 46(1992)DLT166

Judge : S.C. Jain, J.

Acts : Contempt of Court Act, 1971 - Sections 2

Appeal No. : Contempt Civil Petition No. 80 of 1991

Appellant : Mahinder Singh and anr.

Respondent : Narinder Singh

Advocate for Pet/Ap. : R.P. Bansal,; Parag Chawla,; S. Poddar,;

Judgement :

S.C. Jain, J.

(1) Mahinder Singh and Rajinder Singh filed contempt petition under Sections 11 and 12 of the Contempt of Courts Act, against Narain Singh. The dispute is with respect to the possession and title of a piece of land in Khasra No. 6/19/2 in village Samaipur. As per the petitioners, they are in possession of the suit land since 1981 and that respondent Narain Singh in conspiracy with the police officials and revenue authorities want to dispossess them from this piece of land illegally and without process of law. As per the contention of the petitioners the Court of the

Addl. District Judge has held in its detailed judgment that the respondent Narain Singh has neither been in possession nor has title over the suit land and now he wants to take possession of the suit land by using force in an illegal manner in collusion with the police and revenue authorities. Respondent No. 1 contested this petition.

(2) I have gone through the record and heard the Counsel for the parties. Civil contempt as defined under Section 2(b) of the Contempt of Courts Act, 1971, means willful disobedience to any judgment, decree, direction order or writ or other process of Court or willful breach of the undertaking given to a Court. In the instant case, it is clear that no particular judgment, decree, direction, order or writ or other process containing the terms was reproduced in the petition. It is impossible for a Court to adjudicate as to whether there has been any disobedience calling for an action within Section 11 unless the petition contains the precise order in respect of which contempt is alleged; date on which the respondent was served with the order and the precise act of contempt which a particular respondent may have performed. In this case these ingredients have not been mentioned in the petition and therefore, no case is made out against the respondents under Section 11 of the Contempt of Courts Act. This application is, therefore, dismissed.

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