

Murti Devi Vs. Dev Raj Soni

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Court : Delhi

Decided On : Mar-11-1983

Reported in : 24(1983)DLT391

Judge : N.N. Goswamy, J.

Acts : Contempt of Courts Act

Appeal No. : C.C.P. (Ref.) No. 98 of 1980

Appellant : Murti Devi

Respondent : Dev Raj Soni

Advocate for Def. : S.K. Khanna, Adv.

Advocate for Pet/Ap. : B.V. Desai, Adv

Judgement :

N.N. Goswamy, J.

1. This matter has been referred to this Court by the Rent Control Tribunal with the recommendation that the respondent namely Dev Raj Soni be dealt with for committing the contempt of the Court. From the facts it appears that the respondent was a tenant in the premises which belonged to Smt. Murti Devi, the petitioner herein. She filed an eviction petition sometimes in 1974 against the

respondent. During the course of trial before the Addl. Rent Controller, the parties entered into a settlement and the following order was passed :-

'In view of the compromise and admission of the respondent of the ground of bona fide personal requirement of the petitioner, the petition for eviction is allowed in terms of Ex. C-1, which do form part of the order in respect of the disputed premises being entire ground floor of R-659, New Rajinder Nagar, New Delhi. The respondent is granted time to vacate till 1-4-1979.'

2. It appears that in spite of the aforesaid order the respondent did not vacate the premises on the stipulated date. Consequently the petitioner took out execution. The respondent filed objections and ultimately the matter went to the Rent Control Tribunal. In the said proceedings, the respondent gave an undertaking to the Tribunal that he will vacate the premises on or before 30-6-1980. In spite of the said undertaking the premises were not vacated, and in these circumstances, the matter has been referred to this Court by the Tribunal for taking appropriate proceedings under the Contempt of Court Act.

3. Notice was issued to the respondent-contemner. He has filed an affidavit. The very first paragraph of the affidavit is unqualified and unconditional apology for the alleged contempt having been committed by the respondent. In the subsequent paragraph, the respondent has explained the circumstances under which he could not hand over vacant possession to the petitioner. It is stated in the affidavit that the respondent's wife had a house which had been let out since 1-4-1971 to one S.S. Mahal, Joint Deputy Director (A.R.G.) Cabinet Secretariat, New Delhi. In fact though the tenancy was in the name of said Mahal but the premises were being used by the Intelligence Office of Directorate General of Security office of Director (A R.C.) Cabinet Secretariat, New Delhi throughout. It is stated that the said tenant had promised to vacate the premises in June, 1980 and on that belief he had given undertaking to the Tribunal. However, the Directorate did not vacate the premises in spite of repeated requests by the respondent on the ground that the premises were required for National security and in public interest. Finally the premises were vacated by letter dated 27-3-1981. The respondent being faced with this situation and in view of his undertaking given to the Court, had shifted to

the house of one of his relations in spite of the fact that that house had only two rooms and large family of the respondent had to be accommodated in that small accommodation.

4. It is further stated in the affidavit that during the same period, the sister-in-law of the respondent had fallen seriously ill and had come to Delhi for a treatment in All India Institute of Medical Sciences. She was operated upon and a major surgery of heart was undertaken by the Institute. She was discharged from the hospital in November, 1980 and had to stay with the respondent for post-operational care for some period. In these circumstances, it is submitted that the respondent was helpless. He has also placed on record the relevant documents relating to the aforesaid averments.

5. The Explanation in the affidavit by itself may not be enough to discharge the respondent inasmuch as he was bound to either vacate the premises on or before 30-6-1980 or at least seek further time from the Court by stating the circumstances in which he was placed. It appears that the respondent did not choose to approach the court and has thereby committed a contempt of Court.

6. The learned counsel for the petitioner pointed out that the respondent had not even paid the up to date rent and the rent was in arrears to the extent of Rs. 2,200/-. Besides the rent, the respondent was also liable to pay the electricity and water charges. The petitioner has already instituted a suit for the recovery of the arrears of rent, electricity and water charges and the said suit is pending in the trial court. The respondent agreed to pay the entire amount and has in fact paid a sum of Rs. 3,555/- today in court to the learned counsel for the petitioner. This amount has been paid in full and final satisfaction of the amount claimed in the suit and the learned counsel for the petitioner has undertaken to withdraw the suit.

7. Considering the affidavit filed by the respondent and the fact that he has paid the entire amount of arrears of rent, electricity and water charges, I am inclined to accept the unqualified and unconditional apology tendered by the respondent. This is being done in the special circumstances of this case. The notice issued to the respondent is, therefore, discharged and the petition is disposed of accordingly.

