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

% ***Reserved on: 24th September, 2026***

Pronounced on: 17th November, 2026

Uploaded on: 17th November, 2026

 # CNR No. DLHC010741542025

\+ **CONT.CAS(C) 1462/2025**

ISHWAR SINGH CHHIKARA .....Petitioner

Through: Mr. Anubhav Singh, Mr. Nitin Kumar and Ms. Maria Mary Sunil, Advs.

versus

NARESH KUMAR & ANR. .....Respondents

Through: Mr. Nishant Sharma, Mr. Vishal Jarodia, Mr. Rahul Verma, Mr. Anuj Kumar & Ms. Priyanka Yadav Advs. alongwith Respondents in person.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. The present Contempt Petition has been filed by the Petitioner, Mr. Ishwar Singh Chhikara, against the Respondents under ***Sections 10, 11 and 12 read with Section 2(b) of the Contempt of Courts Act, 1971***, alleging wilful breach of the Order dated 16.08.2024 passed by the learned District Judge-02, South-West District, Dwarka Courts, Delhi, in CS DJ ADJ No. 545/24.

2. The Petitioner claims to be the absolute owner of the property bearing No. E-2/49A, comprising of the parking, second and third floors, along with roof rights, situated at Chanakya Place, Part-I, Uttam Nagar, New Delhi

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(*hereinafter referred to as the "suit property*"), on the basis of the Authorisation Slip dated 10.08.2023.

3. The Petitioner had applied under the PM-UDAY Scheme for recognition of ownership rights and conferment of transfer/mortgage rights upon residents of unauthorised colonies in Delhi. The Scheme envisages the regularisation of unauthorised colonies, to provide legal recognition and facilitate the development of civic infrastructure. He had furnished all the relevant documents to the concerned officers of the Delhi Development Authority (DDA), which were uploaded on the portal, at the time of registration under the Scheme. The Petitioner's ownership rights in respect of the suit property, were recognised under the Scheme vide Authorisation Slip dated 10.08.2023, which was duly registered with the Sub-Registrar, SR-IIB, Janakpuri, under Registration No. 22859 in Book No. 1, Volume No. 9492, on 04.09.2023. This Authorisation Slip was issued pursuant to Section 3 of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019.

4. The Petitioner claimed that, in February 2020, he had requested the Respondents to vacate the suit property and look for alternative accommodation. However, in view of the COVID-19 pandemic, the Respondents sought an extension of their stay in the suit property, which the Petitioner permitted on humanitarian grounds. The Petitioner further claimed that, in October 2023, he again requested the Respondents to vacate the Suit Property and hand over peaceful possession thereof; however, the Respondents did not comply with the said request.

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5. The Petitioner instituted a ***Civil Suit seeking declaration, possession, permanent and mandatory injunction*** against Shri Kailash Shah and Respondent No.1, Shri Naresh Kumar, who were arrayed as Defendant Nos. 1 and 2, respectively, in respect of the front and back portions of the second floor of the Suit Property.

6. Respondent No.1, Shri Naresh Kumar, who was Defendant No.2 in the Civil Suit, gave a **statement-cum-undertaking before the Trial Court on 16.08.2024,** wherein he admitted that he was residing in the back-side portion of the second floor of the suit property as a tenant. He further stated that he had no legal right, title or interest in the said premises and undertook to vacate the premises, remove all his belongings and hand over peaceful possession thereof within 20 days to the landlord, Shri Ishwar Singh Chhikara, who was the Plaintiff in the Civil Suit and is the Petitioner herein.

7. However, despite the aforesaid Undertaking, Respondent No.1 has failed to vacate the suit property. The Petitioner further alleged that the Respondents continue to remain in possession of the respective portions of the suit property.

8. The Petitioner had earlier filed a **Contempt Petition bearing CONT. CAS(C) No. 286/2025, before this Court**. Vide Order dated 06.03.2025, this Court recorded that none had appeared on behalf of the Respondent, despite service of advance Notice. After some arguments, learned counsel for the Petitioner sought permission to withdraw the Petition, with liberty to seek an appropriate remedy for execution of the aforesaid partial Decree in

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his favour, in accordance with law. **Accordingly, the Petition was dismissed without prejudice.**

9. The Petitioner thereafter, filed an Application under Order XII Rule 6 read with Section 151 CPC on 10.03.2025, before the learned District Judge, Delhi. Vide Order dated 31.07.2025, Notice of the said Application was directed to be issued to Defendant No. 2 in the Civil Suit, i.e., Respondent No. 1 herein. Subsequently, *Smt. Rekha Devi, wife of Respondent No. 1 and Respondent No. 2 herein, filed an Application under Order I Rule 10 CPC on 09.09.2025,* seeking her impleadment in the Civil Suit. In the said Application, she claimed to be the absolute owner of and in actual possession of the suit property since 22.05.2017, having purportedly acquired the same through unregistered documents, namely, General Power of Attorney, Agreement to Sell, Affidavit and Deed of Will. She further alleged that the statement-cum-undertaking given by her husband, Respondent No. 1 herein, before the learned District Judge on 16.08.2024 *had been made under pressure exerted by the Petitioner and his son.* She further claimed that her husband was an illiterate person and was unaware of the contents of the Statement, which he had signed without reading the same.

10. The Petitioner has asserted that the stand taken by Respondent No. 2, Smt. Rekha Devi, was a clear and deliberate attempt to enable Respondent No. 1, Shri Naresh Kumar, to evade the obligation arising from the statement-cum-undertaking given by him, before the Trial Court. This stand was a direct consequence of the wilful breach of the solemn undertaking made before the Court.

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11. The Petitioner further contended that a person who is not a party to the proceedings, cannot ordinarily be proceeded against for violation of an Order of the Court. However, a third party cannot seek to absolve himself or herself merely on the ground of being a non-party, particularly when such person has knowledge that his or her conduct, would amount to violation of the Court's Order. If, despite having such knowledge, the third party wilfully disobeys the mandate of the Court, such conduct amounts to subversion of the judicial Order and strikes at the Rule of Law, on which the system of governance is founded.

12. Reliance is placed on *Bank of Baroda vs. Sadruddin Hasan Daya and Anr.*, (2004) 1 SCC 360; *Chhaganbhai Norsinbhai vs. Chandubhai Gordhanbhai*, (1976) 2 SCC 951; *SEBI vs. Sahara India Real Estate Corp. Ltd. & Ors.*, (2014) 5 SCC 429; and *Dayawati vs. Yogesh Kumar Gosain*, 2017 SCC OnLine Del 11032.

13. The Petitioner prayed that Respondent Nos. 1 and 2, be punished for contempt of Court on account of their alleged wilful disobedience of the statement-cum-undertaking dated 16.08.2024, and that Respondent No. 1, Shri Naresh Kumar, be directed to comply with the undertaking given before the Trial Court.

14. Respondent No. 1, Shri Naresh Kumar, filed a Counter-Affidavit, contending that the dispute, at best, concerns the landlord-tenant relationship and the effect on subsequent proceedings, which can be adjudicated only in a Civil Suit and not in Contempt proceedings. As a preliminary objection, he contended that the Petitioner had failed to establish any deliberate or contumacious intent, or mens rea on his part, which, according to him, is an

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essential ingredient of Civil Contempt. In support of this contention, he relied upon the judgments of the Hon'ble Supreme Court in *A.K. Jayaprakash (Dead) through LRs v. S.S. Mallikarjuna Rao & Anr.*, 2025 INSC 1003, and *Chhotu Ram v. Urvashi Gulati & Anr.*, (2001) 7 SCC 530.

15. Respondent No. 1 further contended that mere non-compliance, in the absence of such intent, particularly in the backdrop of the bona fide claim raised by Respondent No. 2, Smt. Rekha Devi, through her Application under Order I Rule 10 CPC, challenging the Petitioner's claim of ownership and possession, could not ipso facto constitute contempt. He asserted that wilful default was required to be strictly proved, failing which the present Petition was liable to be dismissed in limine.

16. Respondent No. 1 further traced the controversy concerning the suit property, to earlier proceedings in Civil Suit bearing CS DJ ADJ No. 838/2018, titled *Wazhul Qamar v. Sanjay Giri & Ors.*, wherein Shri Wazhul Qamar, stated to be the previous owner, *had sought Cancellation, Declaration and Permanent Injunction* in respect of the property. He contended that, in the Written Statement filed in the said proceedings, he had specifically asserted that his wife, Respondent No. 2, Smt. Rekha Devi, had lawfully purchased the suit property. On this basis, he contended that Contempt jurisdiction could not be invoked as a substitute for Execution proceedings or for adjudication of complex civil disputes concerning the rights and obligations, inter se the parties.

17. ***On merits***, Respondent No. 1 admitted that he had appeared before the learned Trial Court on 16.08.2024 and had made the statement recorded therein. However, he claimed that, being an illiterate person, he had been

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misled by the Petitioner and his son, who had assured him that an alternative property would be provided, in exchange for making the statement and vacating the tenanted premises. He further alleged that the Petitioner himself had arranged the Advocate who appeared with him before the learned Trial Court, for the purpose of recording the statement in legal terms.

18. Respondent No. 1 further claimed that he had always been residing in the suit property along with his family and that his occupation thereof, was under the authority of Respondent No. 2, Smt. Rekha Devi, his wife, who claimed independent rights over the suit property, since 2017. He denied having ever been treated as a tenant by the Petitioner and contended that no Rent Agreement or rent receipts had been produced, before the learned Civil Court.

19. Respondent No. 1 admitted that an earlier Contempt Petition had been filed by the Petitioner, which was subsequently withdrawn, with liberty to seek an appropriate remedy in accordance with law.

20. He further referred to the Petitioner's Application dated 10.03.2025 under Order XII Rule 6 read with Section 151 CPC, filed before the learned Civil Court, pursuant to the liberty granted by this Court, vide Order dated 06.03.2025. He also referred to the Application dated 09.09.2025 filed by Respondent No. 2, Smt. Rekha Devi, under Order I Rule 10 CPC, claiming ownership of the suit property.

21. Respondent No. 1 contended that Respondent No. 2, Smt. Rekha Devi, had filed the Application under Order I Rule 10 CPC in the legitimate exercise of her legal rights, seeking impleadment in the Civil Suit, to protect her independent claim of title and possession. He asserted that such an

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Application could not be construed as disobedience of any Order of the Court. He further contended that the judgments relied upon by the Petitioner, were distinguishable on facts. According to him, in view of the substantive dispute concerning title and possession of the suit property, he could not be required to vacate it within 20 days, as the dispute necessarily required adjudication before the learned Civil Court.

22. Respondent No. 1 further contended that the Petitioner had an efficacious alternative remedy of seeking a decree on admissions. He pointed out that the Petitioner had already filed an Application dated 10.03.2025 under Order XII Rule 6 read with Section 151 CPC, pursuant to the liberty granted by this Court vide Order dated 06.03.2025. Having elected to pursue the civil remedy, the Petitioner could not simultaneously invoke the extraordinary jurisdiction of this Court, in contempt proceedings.

23. Respondent No. 1 further contended that the present Contempt Petition was founded on the same cause of action as the earlier Contempt Petition, which had been withdrawn with liberty to seek an appropriate remedy. He alleged that the Petitioner had deliberately withheld material particulars, while instituting the present Contempt Petition.

24. Respondent No. 1 further asserted that a bona fide dispute concerning the title to the suit property existed between the Petitioner and Respondent No. 2, Smt. Rekha Devi, and that the present Contempt Petition was, therefore, not maintainable.

25. He stated that he had the highest regard for the Orders of the Court and had no intention of protracting the litigation. He further undertook to

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abide by any directions issued by this Court and prayed that the present Contempt Petition be dismissed.

Submissions heard and record perused.

26. From the aforesaid narration of facts, it emerges that Respondent No.1 / Sh. Naresh Kumar had categorically admitted not only being the tenant, but had also undertaken to vacate the suit property within 20 days, from the date on which he made the Statement, i.e. 16.08.2024.

27. It is also evident that, despite having made the Statement on 16.08.2024, he has sought to retract from the same, by claiming that he had been pressurised by the Petitioner and his counsel, to make such a statement. This contention is not tenable, as the statement had been made by him before the Court and, as per his own submissions, his counsel was also present. In order to wriggle out of his statement, he has asserted that there was fraud or that the counsel had been provided by the Petitioner.

28. Another plea of illiteracy has been taken by Respondent No. 1, Shri Naresh Kumar, which does not, by itself, imply that he was not capable of understanding the statement that he was making before the Court.

29. It is also pertinent to note that the Application under Order I Rule 10 CPC was thereafter, filed by Respondent No. 2, Smt. Rekha Devi (wife of Respondent No. 1), but the same was dismissed by the learned Trial Court vide Order dated 29.01.2026. The Petitioner had filed an Application under Order XII Rule 6 CPC on 10.03.2025, which was still pending adjudication, as per the last order dated 25.03.2026 available on record.

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30. While the aforesaid narration of facts shows that it is a blatant case, wherein Respondent No. 1, despite having given an undertaking to vacate the premises, has sought to resile from the same, but it cannot be overlooked that an earlier Contempt Petition bearing No. CONT. CAS(C) 286/2025 had been filed by the Petitioner alleging wilful breach of the statement-cum-undertaking dated 16.08.2024 made by Respondent No. 1. However, vide Order dated 06.03.2025, **the same was withdrawn with liberty to seek an appropriate remedy for execution of the aforesaid partial decree, in accordance with law.**

31. Since then, the Petitioner has already filed an Application under Order XII Rule 6 CPC, which is pending adjudication. The present Contempt Petition, founded on the same Statement-cum-Undertaking, cannot be permitted to continue, in view of the withdrawal of the earlier Contempt Petition with liberty to seek an appropriate remedy before the learned Trial Court.

32. In view of the withdrawal of the earlier Contempt Petition and the Petitioner's decision to pursue his remedy before the learned Trial Court, no further directions are merited in the present Contempt Petition, **which is hereby, disposed of with liberty to the Petitioner to pursue his remedies, in accordance with law. Pending Applications are also disposed of.**

(NEENA BANSAL KRISHNA)
JUDGE

NOVEMBER 17, 2026/*R*

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