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

% **Date of Decision: 29<sup>th</sup> May, 2026**

+ CS(OS) 328/2026, CCP(O) 62/2026 & I.A. 15501/2026

UMED SINGH AND ORS. ....Plaintiffs  
Through: Mr. Rajesh Gupta and Mr. Manpreet  
Singh, Advs.  
M: 9810087071

versus

SRI CHAND FLERIA AND ORS. ....Defendants  
Through: Mr. Insaaf Duggal and Mr. Rahul  
Gujral, Advs.  
M: 9999234874

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**MINI PUSHKARNA, J. (ORAL):**

**I.A. 15501/2026 (For exemption from filing original and certified copies)**

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the plaintiffs, seeking exemption from filing original and certified copies of documents.
2. Exemption allowed, subject to all just exceptions.
3. The plaintiffs shall file the original and certified copies of the documents, whenever the same is required.
4. Application stands disposed of.

**CCP(O) 62/2026**

5. The present petition has been filed on behalf of the defendants against the plaintiffs/contemnors for wilful and deliberate violation of the order dated 15<sup>th</sup> April, 2026 passed by this Court, wherein, in paragraph 28, it was clarified that the construction, if authorized, may continue and be completed, however, no third-party rights shall be created or possession of the suit land



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shall be parted with.

6. Learned counsel appearing for the defendants submits that despite the same, the plaintiffs herein filed a complaint with the Sub-Divisional Magistrate (“SDM”), Mundka against the defendants herein as if the defendants were carrying out the unauthorized constructions in the suit property.

7. Issue notice. Notice is accepted by learned counsel appearing for the plaintiffs, who has handed over to this Court a letter dated 23<sup>rd</sup> April, 2026, issued by the Assistant Engineer (Building), Narela Zone, Municipal Corporation of Delhi (“MCD”). The said letter is reproduced as under:

*Item 33 (P) 29/5*

**MUNICIPAL CORPORATION OF DELHI**  
**OFFICE OF THE EXECUTIVE ENGINEER (BLDG.)**  
**ZONAL BUILDING: NARELA ZONE, DELHI**

No. AE/B/NRZ/2026/D-77

Dated: - 23-04-26

To,  
The Station House Officer,  
Police Station: Kanjhawala  
Delhi

Subject: Unauthorized Construction at Kh.No. 142, Plot No. 66, 100 Futa Road,  
Karala-Kanjhawala Road, Delhi.

Sir,

Owner/Builder/Occupier of the above said property has carried out/is carrying out unauthorized construction without sanction/deviations against Standard building plan as per the report J.E. (B). In spite of our best efforts, the owner/builder has not stopped the construction activity at site. Necessary action under the provisions of DMC Act is, therefore, being contemplated against the offenders by the Municipal Staff.

It is, therefore, requested that action may kindly be taken under the provision of section 344 (2) of the DMC Act and the aforesaid unauthorized construction activity be stopped by the Police immediately and workmen present in the premises be removed and the construction material including the tools, machinery etc. involved in the execution of the work may be seized forthwith so that no further unauthorized construction could be carried out by the owner/builder or on his behalf at the aforesaid site during holidays & odd hours also.

Yours faithfully,  
*[Signature]*  
23/4/26  
Asstt. Engineer (Bldg.)  
Narela Zone  
Assistant Engineer (Bldg.)  
Narela Zone  
Municipal Corporation of Delhi



8. By referring to the aforesaid letter, learned counsel appearing for the plaintiffs submits that the construction, being carried out by the defendants was unauthorized, on account of which, the same has been booked by the MCD.

9. This Court notes that *vide* order dated 15<sup>th</sup> April, 2026, this Court had categorically recorded that the construction in the suit property can be carried out by the defendants herein only if the same is authorized. Paragraph 28 of the order dated 15<sup>th</sup> April, 2026 is reproduced as under:

“xxx xxx xxx

28. It is clarified that the construction if authorized, may continue and be completed, however, no third party rights shall be created or possession of the suit land, shall be parted with by the defendants.

xxx xxx xxx”

10. Thus, in case, the construction carried out by the defendants is unauthorized and the same already stands booked, no contempt can be said to have been carried out by the plaintiffs.

11. This Court notes the submission made by learned counsel appearing for the defendants that a copy of the letter from the MCD with regard to the unauthorized construction has never been received by them.

12. Learned counsel appearing for the defendants relies upon the judgment of the Supreme Court in the case of *Israr Ahmad Khan Versus Amarnath Prasad and Ors.*, MANU/SC/0203/2026, and in particular relies upon paragraph 24 of the same, which is reproduced as under:

“xxx xxx xxx

24. It is beyond the pale of any doubt that when in seisin of a contempt application, the question before the Court is only whether or not the decision, of which contempt is alleged, has been complied with. In *Union of India v. Subedar Devassy PV*, MANU/SC/0328/2006 : 2006:INSC:19 : (2006) 1 SCC 613, after adverting to a similar view in *K.G. Derasari v. Union of India*, MANU/SC/1261/1999 : (2001) 10 SCC 496, a 2-Judge Bench held:



2. While dealing with an application for contempt, the court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a court to examine the correctness of the earlier decision which had not been assailed and to take a view different from what was taken in the earlier decision. A similar view was taken in K.G. Derasari v. Union of India [ MANU/SC/1261/1999 : (2001) 10 SCC 496; 2002 SCC (L&S) 75]. The court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there was no ambiguity or indefiniteness in the order, it is for the party concerned to approach the higher court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher court. The court exercising contempt jurisdiction cannot take upon itself the power to decide the original proceedings in a manner not dealt with by the court passing the judgment or order. Though strong reliance was placed by learned Counsel for the Appellants on a three-Judge Bench decision in Niaz Mohd. v. State of Haryana [ MANU/SC/0063/1995 : 1994:INSC:402 : (1994) 6 SCC 332], we find that the same has no application to the facts of the present case. In that case the question arose about the impossibility to obey the order. If that was the stand of the Appellants, the least it could have done was to assail correctness of the judgment before the higher court.

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6. If any party concerned is aggrieved by the order which in its opinion is wrong or against the Rules or its implementation is neither practicable nor feasible, it should always either approach the court that passed the order or invoke jurisdiction of the appellate court. Rightness or wrongness of the order cannot be urged in contempt proceedings. Right or wrong, the order has to be obeyed. Flouting an order of the court would render the party liable for contempt. While dealing with an application for contempt, the court cannot traverse beyond the order, non-compliance with which is alleged. In other words, it cannot say what should not have been done or what should have been done. It cannot traverse beyond the order. It cannot test the correctness or otherwise of the order or give additional direction or delete any direction. That would be exercising review jurisdiction while dealing with an application for initiation of contempt proceedings. The same would be impermissible and indefensible.

(Emphasis supplied)

xxx xxx xxx”

13. This Court takes notes of the aforesaid judgment in the case of *Israr Ahmad Khan (Supra)*, as relied upon by the defendants, wherein, it is categorically stated that while dealing with a contempt petition, the Court has to assess as to whether the decision, of which contempt is alleged, has been complied with or not.

14. In the present case, it is clear that the construction in the suit property was allowed to be carried out by the defendants herein only if the same was authorized. Since, it has come on record before this Court that the construction being carried out by the defendants was unauthorized, no case



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of contempt can be made out against the plaintiffs. Rather, by carrying out such an act of authorized construction, the defendants are the ones, who have not complied with the directions of this Court.

15. Be that as it may, since it has come on record before this Court that the construction being carried out by the defendants was in the nature of unauthorized construction, no construction can be carried out by the defendants in the suit property, and the plaintiffs cannot be considered to be in contempt of the order dated 15<sup>th</sup> April, 2026, passed by this Court.

16. Noting the aforesaid, the present petition is accordingly, disposed of.

**MINI PUSHKARNA, J**

**MAY 29, 2026/KR**