



\$~207

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

% ***Date of Decision: 20th January, 2025***

+ CONT.CAS(C) 1438/2023

MAYANK GAUR AND ANRPetitioner

Through: Mr. Nazimuddin Ahmad with
Mr. Anil Kumar Yadav, Advocates.

versus

MAHARAJ MALIK & ORS.Respondents

Through: Mr. Arun Aggarwal with
Mr. Lovelesh Kukreja and
Mr. Shivam Saini and Mr. Praful
Rawat, Advocates for respondent
No.2.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CONT.CAS(C) 1438/2023 & CM APPL. 3178/2025

1. The petitioner has filed the above said application seeking *interim stay* with respect to sale of the property in question.
2. A careful perusal of the entire material would indicate that, initially, a writ petition was filed by *M/s Allien Enterprises*. It was registered as W.P.(C) 15699/2022.
3. The above said writ petition was disposed of by the Coordinate Bench of this Court vide order dated 15.11.2022 and para Nos.3, 4 and 5 of the above said order reads as under:-

“3. The record however would reflect that the Sub-Registrar desisted from according registration at that stage on account of the pendency of various litigations. Learned counsel for the petitioner submits that now and presently, all litigation has come to a close and thus no fetter as such exists in respect of the power of the



Sub-Registrar to register the Sale Certificate which was submitted for registration.

4. Mr. Bhardwaj, learned counsel appearing for the said Sub-Registrar submits that subject to verification of all facts and contentions on merits being kept open, in case the petitioner were to appear before the Sub-Registrar within a period of three weeks from today and produce all relevant material in support of their contention that no other litigation is pending, the said authority shall proceed further in accordance with law. The statement so made is recorded and accepted.

5. The writ petition shall stand disposed of on the above terms.”

4. Obviously, it was for the petitioner in the above said writ petition i.e. *M/s Allien Enterprises* to have approached the concerned sub-Registrar within the stipulated period and to produce all the relevant material and it was consequent to that only, the concerned Authority i.e. sub-Registrar was to proceed further in accordance with law.

5. The present contempt petition has, rather, been filed by the petitioner claiming himself to be the original owner of the property

6. Learned counsel for the petitioner, in the instant contempt petition, could not elucidate as to how the contempt petition itself is maintainable before this Court as there is nothing to indicate that despite the fact the requisite material was placed before the sub-Registrar by *M/s Allien Enterprises*, the needful was not done.

7. It seems that the petitioners herein i.e. Mr. Mayank Gaur and Mr. Sanjay Gaur are seeking to establish their substantive right by filing the present contempt petition which does not seem to be permissible in law.

8. In the above said peculiar factual matrix of the case, they are always, if so advised, at liberty to file appropriate substantive petition



but as apparent, there is nothing to suggest any kind of disobedience of any order of the Court.

9. If the petitioners herein are of the view that the Sale Deed was wrongly registered on 30.12.2022, it is for them to take appropriate remedy against the above said registration of Sale Deed.

10. In view of the above, there is no requirement of granting any stay.

11. Evidently, in view of the above said discussion, no case of contempt is either made out.

12. The contempt petition is, accordingly, disposed of in aforesaid terms.

13. The next date of 24.03.2025 is cancelled.

14. It is re-emphasized that all the rights and contentions of the parties are left open and it is always open to the petitioners herein to approach appropriate forum for seeking redressal of their grievances, if any.

(MANOJ JAIN)
JUDGE

JANUARY 20, 2025/st