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## **DELHI HIGH COURT REJECT PLEA SEEKING REJECTS PLEA SEEKING CONTEMPT OF COURT ACTION AGAINST JUDGE FOR DISMISSING CASE.**

### **Delhi High Court Rejects Contempt of Court Plea Against Judge for Case Dismissal**

The Delhi High Court has recently dismissed a petition that sought the initiation of contempt of court proceedings against a district court judge for dismissing a civil suit related to the possession of immovable property. The High Court warned the petitioner against misusing and abusing the process of contempt law, calling it an "unmitigated attack on the majesty and honesty" of the judiciary.

#### **What is contempt of court?**

Contempt of court is a legal term that refers to the offense of showing disrespect or disobedience to the authority or dignity of a court of law or its officers. Contempt of court can be classified into two types: civil and criminal.

Civil contempt is when a person wilfully disobeys a court order or judgment or interferes with the administration of justice.

Criminal contempt is when a person scandalizes or lowers the authority of the court, or interferes with or obstructs the course of justice.

#### **What was the case about?**

The petitioner, Vijay Kumar Agarwal, had filed a civil suit in 2012 against the respondent, Rajesh Kumar, regarding the possession of a property in Mayur Vihar, Delhi. The suit was dismissed in default in May 2012 due to the non-appearance of the petitioner. The petitioner then applied for restoration of the suit, which was allowed by the court on the condition of paying costs of Rs. 10,000 to the respondent. However, the petitioner failed to pay the costs

and filed another application for restoration, which was dismissed by the court in July 2023 under Section 35B of the Code of Civil Procedure (CPC). Section 35B of the CPC empowers the court to impose costs on parties for causing delay in the disposal of cases.

The petitioner then filed a contempt of court petition against the Additional District Judge (ADJ) who had dismissed his suit, the counsel representing the respondent in the trial court, and the respondent himself. The petitioner alleged that the ADJ had "wilfully and malafidely" refused to follow the law laid down by the Supreme Court and the Delhi High Court, and had acted in a biased and prejudiced manner. The petitioner also accused the respondent's counsel of misleading the court and the respondent of committing perjury.

The High Court also noted that the ADJ could not be held guilty of contempt of court unless there was material to show gross and intentional misuse of judicial process, corruption, or intentional insubordination. The High Court found no such grounds in this case and said that the ADJ had acted in accordance with the law and the facts of the case.

The High Court further clarified that the respondent's counsel could not be impleaded in the contempt proceedings in his capacity, as he was acting professionally. The High Court said that the scope of judicial independence includes the independence of the bar so that lawyers can carry out their professional duties in a secure and unbiased environment. The High Court said there were appropriate laws to deal with professional misconduct, if any, by the lawyers.

The High Court refrained from initiating contempt action against the petitioner, despite his conduct exceeding the bounds of fair criticism, due to his reported neurological issues. The High Court, however, warned him against misusing and abusing the process of contempt law in the future.

### **What did the High Court say?**

The High Court, after hearing the arguments of both sides, dismissed the contempt of court petition, holding that there was no merit in the allegations of the petitioner. The High Court observed that the petitioner had not challenged the dismissal of his suit on its merits, but had resorted to contempt proceedings to seek an explanation from the ADJ for his decision. The High Court said this was impermissible and misguided, as the Constitution of India and the country's legal framework provide adequate safeguards to challenge the decision of a court. The High Court said that pursuing contempt against a judge in an individual capacity was an unmitigated attack on the majesty and honesty of the courts, and should be deterred.

### **What are the implications of this judgment?**

This judgment is significant as it reiterates the importance of respecting the authority and dignity of the courts and the judges, and cautions against the misuse and abuse of the process of contempt law. The judgment also highlights the need to maintain judicial independence, which includes the independence of the legal profession, and to ensure that lawyers are not harassed or intimidated for performing their professional duties. The judgment also emphasises the availability of legal remedies to challenge the decisions of the courts, and discourages the use of contempt proceedings as a tool to vent grievances or seek explanations from the judges. The judgment, thus, upholds the rule of law and the administration of justice in the country.

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