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

*Date of decision: 14.08.2023*

+ **TR.P.(C.) 21/2023**

NARENDER BHUTANI ..... Petitioner

Through: In person.

versus

ANJALI BHUTANI ..... Respondent

Through: Mr.Ramit Malhotra, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been registered on a reference dated 07.02.2023 received from the Court of the learned Principal Judge, Family Courts, North District, Rohini Courts, Delhi (hereinafter referred to as the 'Principal Judge') vide diary No.2262 dated 10.02.2023, whereby the learned Principal Judge has requested this Court to transfer HMA No. 558512/2016 titled *Narender Bhutani v. Anjali Bhutani*; and CS No. 08/2019 titled *Anjali Bhutani v. Narender Bhutani* pending before the said Court to some other Court of competent jurisdiction.

2. In the reference, the learned Principal Judge has stated that the said cases have earlier also been transferred vide order dated 26.04.2017, 28.11.2019 and 19.10.2022 by the predecessor Courts. The petitioner, who appears in person, and



the learned counsel for the respondent point out that the cases were earlier transferred from the Court of the learned Judge, Family Court, North District, Rohini Courts, Delhi, against whom the petitioner-Shri Narender Bhutani had made a complaint.

3. The learned Principal Judge has further stated that the application filed by the petitioner has been drafted in an offensive and intemperate manner and, therefore, the learned Principal Judge has sought to recuse herself and sought a transfer of the abovementioned cases.

4. The petitioner, who appears in person, has filed two sets of written submissions, dated 10.03.2023 and 15.07.2023. In the written submissions dated 15.07.2023, I find various scandalous and offensive remarks being made against the learned Principal Judge, which *prima facie* appear to be without foundation. The petitioner further makes reference to the complaints against some employees of the Court, who are not, admittedly, posted with the learned Principal Judge. He submits that an inquiry against these employees is going on before the said Court. However, the reference itself records that the said complaints have already been disposed of after an inquiry by the Vigilance Committee of the Family Courts. I may quote the relevant observations of the learned Principal Judge as under:-

*“10. As Mr. Narender Bhutani has drafted the application in a very offensive and intemperate manner and is claiming to be badly prejudiced, it is appropriate that the undersigned seeks recusal and does not try the two above stated matters. (The five complaints*



*i.e. 03 complaints made by the petitioner Mr. Narender Bhutani against the staff of the Court of Mr.Sanjay Jindal, learned Judge, Family Court, North District, Rohini Courts, Delhi and 02 complaint made against the petitioner by the staff of the Court of Mr.Sanjay Jindal, learned Judge, Family Court, North District, Rohini Courts, Delhi have been separately sent to the learned Principal Judge (HQ), Family Courts, Dwarka Courts, New Delhi as it has been informed by the Court staff that the same have already been disposed of after enquiry by the Vigilance Committee of the Family Courts).”*

5. The learned counsel for the respondent also points out that the petitioner is in a habit of making scandalous and frivolous remarks against the Presiding Judges and Officers of the Court. For this contemptuous conduct, he was earlier issued a Show-Cause Notice vide order dated 12.01.2018 passed by the Punjab and Haryana High Court in CRM-MM-49222/2017 (O&M). The said notice was discharged vide order dated 09.02.2018, accepting the unconditional apology of the petitioner. The said order reads as under:-

*“The petitioner, duly identified by his counsel, is present in Court. The petitioner tenders an unconditional apology for addressing letter dated 25.12.2017 to the Registrar (General) of this Court. The petitioner states that it was not his intent to show any kind of disrespect to this Court, but was actuated due to frustration arising out of the matrimonial dispute pending with his wife. The petitioner states that he may be permitted to withdraw letter dated 25.12.2017/the averments therein. It is further stated by the*



*petitioner that he shall exercise due care and caution in future and not be swayed by emotions in this manner.*

*Affidavit dated 09.02.2018 has been submitted in Court today by the petitioner wherein it is reiterated that his apology be accepted. Said affidavit is taken on record subject to just exceptions. The unconditional apology tendered by the petitioner appears to be genuine. Therefore, taking a lenient view of the matter, it is considered just and expedient not to initiate any proceedings for contempt against the petitioner. ”*

6. Having not mended his ways, another Show-Cause Notice has been issued by the Punjab and Haryana High Court to the petitioner, vide order dated 14.10.2019 passed in CRM-26824-2019 in CRM-M-5381-2019. The said order reads as under:-

*“Vide order dated 05.09.2019, notice was issued in CRM- 26824-2019. Office report reveals that notice could not be issued to the respondents in CRM-26824-2019 for want of process fee.*

*Perusal of the paper-book shows that the petitioner has uploaded his grievance on the website of this Court questioning the very functioning of the Court. This Court finds that the subject matter of the grievance uploaded by the petitioner though has been filed by the office, but making such observations about the Court functioning appears to be contemptuous in nature as it tantamounts interference in the administration of justice.*



*Accordingly, let a notice be issued to the petitioner to show cause as to why contempt proceedings be not initiated against him.”*

7. Not only the above, the petitioner has also been making repeated scandalous remarks against various other Courts, forcing such Courts to transfer the cases to some other Courts. In this regard, the learned counsel for the respondent has drawn my attention to the order dated 04.08.2015 passed by the Court of the learned Judicial Magistrate 1st Class, Karnal, Haryana in Petition no. 33/2015 titled **Anjali Bhutani v. Narender Bhutani**; and the order dated 14.02.2017 passed by the Court of learned Judicial Magistrate 1st Class, Karnal, Haryana in Case No. 6/2016 titled **Anjali v. Narinder**. He has also drawn my attention to the order dated 08.12.2016 passed by the learned District Judge (Family Court), Karnal in Case no. 6/2016, whereby the learned Court has expressed its anguish on the application filed by the petitioner herein, especially on the intemperate language used in the said application, and has imposed costs of Rs.5,000/- on the petitioner.

8. From the above sequence and record, it is my *prima facie* view that the petitioner is in the habit of making scandalous remarks against the Presiding Officers of the Courts in order to browbeat them, and generally, the Courts succumb to such tactics and are forced to transfer the cases of the petitioner to another Court, rather than being dragged into this malicious campaign.

9. In **Supreme Court Advocates-On-Record Association**



*and Another v. Union of India (Recusal Matter)* (2016) 5 SCC 808, the Supreme Court has observed that although it is important that justice must be seen to be done, it is equally important that the Judicial Officers discharge their duty to adjudicate the *lis* and do not, by acceding too readily to suggestions of appearance of bias, encourage parties to believe that by seeking the disqualification of the Judge, they will have their case tried by someone thought to be more likely to decide the case in their favour. The Court emphasized that the ground for disqualification is a reasonable apprehension that the Judicial Officer will not decide the case impartially or without prejudice, rather than he will not decide the case adversely to one party. The nature of the judicial function involves the performance of difficult and at times unpleasant tasks. To this end, the Judicial Officer must resist all manner of pressure regardless of where it comes from. There may be situations where mischievous litigants wanting to avoid a Judge, may be because he is known to them to be strong, make an attempt for forum shopping raising baseless submissions on conflict of interest. The court should not allow such attempt of the party to succeed.

10. The present case is one of the cases which exemplifies the fear expressed by the Supreme Court. Merely because the petitioner, who appears in person, makes scandalous remarks against the Judge, the learned Principal Judge should not have sought her recusal from the cases and sought transfer of the same to another Judge. The court should have, instead, taken



stern action against the petitioner, so as to uphold the majesty of the Court and the Law.

11. I, therefore, reject the request of the learned Principal Judge to transfer the above cases to some other court.

12. At the same time, the petitioner, as noted hereinabove, has made scandalous remarks against the learned Principal Judge in paragraph 16 and paragraph 28(b) of the written submissions dated 15.07.2023. In my *prima facie* view, the same would amount to a Criminal Contempt.

13. The Registry is directed to register a case of Criminal Contempt against the petitioner and subject to the orders of Hon'ble the Chief Justice, place the same before an appropriate Division Bench of this Court.

14. The petitioner is directed to appear before the Division Bench on 1<sup>st</sup> September, 2023.

**NAVIN CHAWLA, J**

**AUGUST 14, 2023/rv/AS**