

OTHER PLEADINGS
BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL FORUM
(DISTRICT _____)
CONSUMER COMPLAINT NO. _____ OF 2017

IN THE MATTER OF:-

D _____ S/o Shri _____ R/o _____ COMPLAINANT
VERSUS

- | | |
|--|------------------|
| 1. District Manager, Telephones
_____ - | OPP. PARTY NO. 1 |
| 2. Sub-Divisional Officer Phones, | OPP. PARTY NO. 2 |

**COMPLAINT UNDER SECTION 12 OF THE CONSUMER
PROTECTION ACT, 1986**

MOST RESPECTFULLY SHOWETH:-

This complaint is present under Section 12 of the Consumer Protection Act, 1986 on the ground stated herein under:

1. That Complainant is a subscriber of telephone No. ____ prior to ____ number whereof was ____.

2. That his telephone went out of order on _____. Several complaints were lodged with the department concerned which did not yield any result.

3. That a written complaint was lodged by him in the office of the opposite party No. 1 on ____ and also on _____. Nothing happened. He then approached personally to the Sub-Divisional Officer Phones _____ and filed a written complaint with him on _____. On ____ his telephone line was made operational.

4. That on _____, the communication system installed at the residence of the complainant was again found paralysed. The matter was again reported to the department. Authorities did not take any action. He then lodged a written complaint in the office of the opposite party No. 2 on _____. It did not find any response from the opposite parties. Another written complaint was lodged in the office of the opposite party No. 2 on _____. It also remained unattended. Complainant then moved to the opposite party No. 1 and presented before him a written complaint on _____ whereafter the telephone service of the complainant was revived on the same day after continuous 24 days fault in the line.

5. That the complainant paid his telephone bill dated _____ amounting to Rs. _____ on _____ vide receipt No. _____. On _____ he was asked by the Opposite Party to pay bill dated _____ by _____ failing which telephone connection was liable to be disconnected by 5 p.m. same day. The complainant never received bill dated _____ till date in original. He approached the opposite party for a duplicate bill dated _____ when he was told by him that another bill dated _____ be paid on the same day itself without which the payment of bill

dated _____ would not be accepted. Request of the complainant to trace and produce receipt of payment of bill dated _____ was turned down by the opposite parties and the complainant was forced to pay both the bills on _____ although the bill dated _____ stood paid vide receipt No. _____ dated _____.

6. That bill dated _____ charged Rs. _____ on account of rent from _____ to _____. Bill dated _____ charged for rent from _____ to _____. Thus applicant has been charged rent for the month of July ____ twice.

7. That on account of dereliction of duty and negligence on part of the opposite parties No. 1 and 2 the complainant suffered loss and injury due to deprivation, harassment, mental agony and loss of professional practice and for which he is entitled to compensation and refund of excess amount charged by the department.

8. That the complainant sent a notice to each of the opposite parties by registered post asking them to pay him a sum of Rs. _____ which now stands to Rs. _____ along with interest thereon till date of the actual payment to which none of them responded.

9. That in interest of justice the complainant should be paid by the department through the opposite parties as under :

(1) Compensation of Rs. ____ @ _____ per day for 69 days during which the telecommunication system remained paralysed, for the loss and injury caused to the complainant due to negligence and dereliction of duty on the part of the opposite parties.

(2) Payment of Rs. _____ as stated in para 5 hereto along with interest @12% p.a. till the date of actual payment.

(3) Payment of Rs. _____ as refund of rental for 69 days as stated in paras 2,3 and 4 thereof.

(4) Payment of a sum of Rs. _____ being amount of rent for the month of July charged by the opposite parties twice as stated in Para. 6 hereto.

(5) Payment of a sum of Rs. _____ towards cost of notices including charges for stationary postage etc., given tyo the opposite parties.

10. That in support of the above averments and claims documents have been enclosed alongwith this complaint.

11. That the cause of action arose on _____ when the telephone of the complainant went out of the order and the system remained disputed for long 60 days merely due to the dereliction of duty and negligence of the opposite parties.

12. That for the purposes of Section 11 of the Act compensation claimed by the complainant is below Rs. _____ so this Forum has jurisdiction to determine and adjudicate upon this consumer dispute.

13. That there is a duty cast upon the District Manager Telephones, the opposite party No. 1 and the officials working under him to maintain trouble free service of the communication system installed at the premises of the complainant and to which they have miserably failed which has put the complainant to great deal of inconvenience, expense and mental agony.

14. That in the interest of justice the claims of compensation and refund should be allowed and also the interest as stated here before

PRAYER

It is therefore, most respectfully prayed that this petition be kindly allowed, an amount of Rs_____and interest wherever due be declared payable to the complainant by the opposite parties and the Opposite parties be directed to pay the amount as aforesaid to the complainant within 30 days of the Hon'ble Forum

Complainant

Dated _____-

Note : An affidavit in suport to be annexed

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CONTEMPT PETITION NO. _____ OF 2017
IN
CIVIL WRIT NO. _____ OF _____ 2003

IN THE MATTER OF :

1. X _____ S/o _____
R/o _____, New Delhi
 2. Y _____ W/o _____
R/o _____, New Delhi
- PETITIONERS

Versus

1. Union of India through its Standing Counsel Delhi High Court, New Delhi.
2. Land & Acquisition Collector Delhi Administration, Delhi.
3. Delhi Development Authority, through its Vice Chairman, New Delhi
4. Shri _____, Asstt. Director Task Force, DDA, New Delhi ...RESPONDENTS

Contempt Petition Under Sections 11, 12 of the Contempt of Courts Act, 1971

RESPECTFULLY SHOWETH :

1. That the President Residents Welfare Association, _____ New Delhi filed Civil writ Petition No. 2420/2003 in the High Court of Delhi at New Delhi. The respondents in the said petition were the Union of India, Land Acquisition Collector and the DDA. The said petition is still pending and awaiting final disposal.

1. That the Hon'ble court on 1.10.2003 issued notice to the respondents and granted status quo thereby restraining the respondents including D.D.A. from demolishing the construction raised in the impugned area. The said area included plot No. 1, 2, 3, 4, 21, 22, 35 and 36 belonging to petitioners named above. The above plot were in Khasra No. 78/21/2. The copy of the orders for grant of status quo are annexed herein as Annexures A-1, A-2, A-3, After the issue of Rule on 10.1.2005 (the said order is Annexure A-2) the petition has not come up for hearing.

2. That the petitioners herein the contempt petition have also annexed the site plan. The same is Annexure A-4. The Plot area belonging to the petitioners is marked. Red.

3. The respondent D.D.A. had been conducting demolition in the said area in December/1998 and January, 1999 and since the petitioners apprehended that their property might also be demolished and therefore, approached the D.D.A. several times and made them aware of the court orders and specially the orders for grant of status quo. A written representation dated 3.12.98 was also routed through the Residents Welfare Association, Vijay Nagar, Phase-I, Delhi to Deputy Director, Land, D.D.A., Delhi.

Annex. A-5 : The copy of the same is annexed as Annexure A-5 alongwith its English Translation. However, despite making the D.D.A. aware of the above/orders of grant of status quo in the Writ Petition (Civil) 2420/2003 the D.D.A. officials namely _____ alongwith Shri _____, came to the site on 4.1.99 at 3.45 P.M. and demolished the construction raised on plot No. 1, Block 'L', Plot No. 2, Block'L', Plot No. 3, Plot No. 4, Plot No. 21, Plot No. 22, Plot No. 35 and 36 belonging to petitioners.

4. That as a result of demolition the petitioners have suffered loss al all the plots had the constructions on it. The details of constructions and the damage incurred is given herein below :

5. That it will not be out of place to mention that the respondent D.D.A. had earlier in the years 2001 and 2002 demolished the construction in the area for which status quo was granted but after the petitioners apprised them of the Court orders they got constructed the building demolished by them at their expense.

5. That the petitioners herein annex as Annexure A-6, the photo graphs of the place where their building situates and have been demolished by the respondent D.D.A.

6. That as detailed above, the petitioners being the owners of plot in Khasra No. 78/21/2 who had been given status quo orders by the Hon'ble Court in Civil Writ Petition 2420/2003 titled Resident Welfare Association v. Union of India and others had every right not to get the construction demolished from the D.D.A. The said status quo is still continuing by virtue of order dated 10.1.2003 of Justice _____ and Justice _____. By not complying with the said status quo orders of the Hon'ble Court, the respondent D.D.A. has committed the contempt of court, It is worthwhile to mentiion that the following officers are the Contemnners as they were conducting the demolition. They are Shri _____ respondent no.____, Shri _____respondent no._____ and Shri _____, respondent no. ____.

7. The cause of action in the present petition arose when the respondent D.D.A. and specially its officers respondents no. 5, 6, 7, herein were apprised of the status quo orders in Civil Writ Petition 2420/2003 (C.M. No. 3592/2003) and the concerned officers refused to comply with the orders of the court. The cause of action is still continuing as the demolition had already been done on 4.1.2003.

It is therefore most respectfully prayed that the Hon'ble Court may be pLeased to initiate contempt proceedings against the above named contemnners. It is further prayed that the Hon'ble Court may be pLeased to pass such further orders/directions as it may deem fit and proper.

Dated_____

Petitioner
Through Advocate

[**Note:** The petition must be supported by an affidavit].

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE/ CHIEF METROPOLITAN
MAGISTRATE**

COMPLAINT NO.OF 2017
U/S 12 OF DOMESTIC VIOLENCE ACT
P/S

IN THE MATTER OF :-

Smt. X W/o Late Sh. Y
Complainant R/o.....

Versus

Sh. Z S/o
Respondent R/o

**COMPLAINT UNDER SECTION 12 OF THE PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT, 2005**

Sir,

It is most respectfully submitted as under:-

1. That the Respondent is the father- in- law of the Complainant who is harassing and torturing the Petitioner by illegal act of violence in order to throw her out of the matrimonial home.
2. That the Petitioner was married to Late Sh. Y onas per Hindu rites and ceremonies and thereafter started living in the matrimonial home as a joint family along with the Respondent and that out of the wedlock following two children were born who are in the care and custody of the complainant. The husband of the complainant died ondue to illness

S.No.	Name of Children	Relation	Age	Status
1	Master A	Son	8	Studying in class IV
2	Baby B	Daughter	5	Studying in class I

3. That before his death Sh. Y engaged in the manufacturing and trading of Auto parts and was having factory at rented accommodation atand was running as sole proprietor by the name and style of M/s..... and was also running a shop on ground floor.
4. That after the death of the husband of the Complainant on ...the Respondent has misappropriated the machines, tools raw materials etc. lying in the factory of the

husband of the complainant and has also trespassed into the shop, belonging to husband of the complainant.

5. That the shop of the husband and Complainant has been taken over by the Respondent who doesn't allow the complainant to enter the same and to run the same.
6. That the Respondent is economically harassing the complainant as he has taken over the shop and doesn't pay any amount to the complainant who has no money and has no earnings at all and is dependent upon the shop of her husband for maintenance
7. That not only this, the Respondent maltreats the complainant in one way or the other and abuses her in filthy language and want her to vacate the second floor of the property so that they may trespass in to the same.
8. That the Respondent threatens the Complainant with the dire consequences on not vacating the second floor of the property.
9. That hence Complainant is left with no other alternative but to file the instant complaint under Section 12 of Protection of Women from Domestic Violence Act as complainant.
10. That the complainant has domestic relationship with the Respondent as Respondent was living with the complainant before the death of her husband.
11. That the deeds and misdeeds of the Respondent are affecting the health and safety of the complainant as well as her two children as after the death of her, the Respondent wants the children to stop going to the school and be sent to an orphanage.
12. That the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is being filed as such by the aggrieved person.
13. That it is prayed that the Hon'ble court may take cognizance of the complaint and pass all/ any of the orders, as deemed necessary in the circumstances of the case.
14. Orders prayed for are:
 - I. Protection Order under Section 18 directing Respondent to stay away from Complainant and not to interfere in her possession of the ground floor, second floor of the property in any manner whatsoever
 - II. Residence Order under Section 19 directing the Respondent to restrain from dispossessing the Complainant from the second and the third floor of property no. (specifically shown in red in site plan enclosed) and to restraint from interfering in the possession of the Complainant on the ground floor of the property including the shop in property no.
 - III. Monetary Relief under Section 20 directing the Respondent to pay the following expenses as monetary relief
 - a. Food, clothes, medications and other basic necessities- Rs 15000 p.m.
 - b. School fees and related expenses – Rs 10000 p.m.

amounting to total of Rs 25,000 p.m.

- IV. Compensation under Section 22 for causing mental agony and physical suffering by the complainant as deemed fit by this Hon'ble Court.

PRAYER

It is, therefore, most respectfully, prayed that this Hon'ble Court be pleased to grant the relief(s) claimed herein and pass such orders as this Hon'ble Court may deem fit and proper under the given facts and circumstances of the case for protecting the Complainant from domestic violence.

Complainant

Through

Advocate

VERIFICATION

Verified at Delhi on this day ofthat the contents of the paras 1 to of the above complaint are true and correct to my knowledge and nothing material has been concealed there from .

Complainant

- *To be accompanied by an affidavit*

WRITTEN ARGUMENTS IN THE EXTRADITION MATTER

IN THE COURT OF _____, ACMM, PATIALA HOUSE COURTS,
NEW DELHI

UNION OF INDIA

VS.

NEXT DATE OF HEARING – _____

WRITTEN ARGUMENTS

MOST RESPECTFULLY SHOWETH:

1. That in pursuance of order dated 22.04.2010 of Ministry of External Affairs above mentioned enquiry, in respect of request for Extradition by the Govt. of United States of America, has been initiated on the ground that the applicants are wanted in America for prosecution in respect of certain offences.

2. That it is a matter of record, which fact has also been taken note of by the Hon'ble Delhi Court in its judgment dated 21.12.2012, delivered in the matter pertaining to some legal issue involved in the matter, that the applicants are already facing trial in separate cases, registered against them, in India itself. The relevant paras no.5, 6 & 7 of the said judgment are reproduced in this regard as under:-

“5. At this juncture, it would be relevant to point out that earlier, on 19.04.2005, on the basis of information received from US Drug Enforcement Authority, joint raids were conducted by the Narcotics Control Bureau and cases were initiated against the petitioners and on the said date, the petitioners in WP (CrI) 1530 and 1531 were arrested. Three separate cases were registered against the petitioners. One case was registered in Delhi, another in Jaipur (Rajasthan) and the third one in Agra (U.P.). In Delhi, it was Case No.52/2005 under Sections 21, 22, 23 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as ‘the NDPS Act’). That case is pending before the learned Additional Sessions Judge, New Delhi. In that case, Mr X is the accused.

6. In Jaipur, Case No.34/2005 was registered under Sections 8(c), 22, 23 and 29 of the NDPS Act against X, Y and Z. In that case, the Sessions Court at Jaipur acquitted all the three accused by virtue of a judgment and / or order dated 28.08.2015 and consequently, the three accused were released from jail on 28.08.2015 after having spent more than four years in custody. The State, however, did not accept the decision of the Sessions Court and preferred an appeal before the High Court of Rajasthan, Jaipur Bench which is pending.

7. Insofar as the Agra case is concerned, it was registered as Case No.8/5/DZU/2005 under Sections 21, 22 and 23 of the NDPS Act in which Mr X is an accused. That case is still pending before the Sessions Court in Agra (U.P.). Mr A was also sought to be accused in the Agra case, but his remand was declined by the Sessions Court by an order dated 20.04.2005

and he was discharged on the ground of lack of evidence against him. As such, there is no case pending against A in India insofar as the aforesaid offences are concerned.”

It is respectfully submitted that it is a matter of record and admitted by the Union of India that the offences, for which the applicants are facing trial in this case, are different from the offences for which extradition is being sought by the USA Government in order to prosecute them there.

3. That in view of section 31(1) (d) of the Extradition Act, 1962 there is a restriction on extradition / returned of the alleged fugitive criminal to the foreign state / USA herein. The said provision of the Act is reproduced as under for ready reference:-

“(d) If he has been accused of some offence in India, not being the offence for which his surrender or return is sought, or is undergoing sentence under any conviction in India until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise;”

It is respectfully submitted that applicants have been acquitted in the aforementioned case registered in Jaipur and leave to appeal by the NCB is pending before the Rajasthan High Court. Other said case in Agra is still pending trial.

4. That, therefore, bar of section 31(1)(d) for extradition of the applicants is fully applicable in the present case.

5. That it is further respectfully submitted that the offences for which extradition of the applicants is being sought are not made out against them, since they have been falsely implicated in the matter. Moreover, they appear to be politically motivated, which fact the applicants would substantiate before this Hon'ble Court during the course of enquiry proceedings.

6. That the applicants are permanent residents of Rajasthan and as such there are no chances of their absconding or flee from justice, more particularly when they have roots in society and have other family members in this Country.

7. That it would not be out of context to mention here that the Hon'ble Delhi High Court had stayed their arrest during the pendency of the aforementioned Writ Petition, which liberty the applicants never misused. Therefore, this also shows that the applicants are not likely to abscond.

PRAYER:-

In view of foregoing, it is most respectfully prayed that extradition of the above named applicants by the requesting state may kindly be denied and the fugitives may kindly be discharged from the matter.

New Delhi

Dated:

Applicants
(X, Y and Z)

Through
Counsel