

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CACP No. 15 of 2014 (O&M)
DATE OF DECISION : January 29, 2015**

Union Territory of Chandigarh

...Appellant

Versus

Sumeet Sidhu

...Respondent

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE DARSHAN SINGH

Present:- Mr. Sanjeev Sharma, Senior Advocate
with Mr. Vishal Sodhi, Advocate for U.T., Chandigarh.

Mr. Alok Jagga, Advocate for the respondent

M.JEYAPPAUL, J.

C.M.No. 6939-CII of 2014

There is a delay of 107 days in preferring this contempt
appeal.

Heard both sides.

For the reasons set out in the application, the application is
allowed and the delay of 107 days in preferring the contempt appeal is
allowed.

C.M. No. 6940-CII of 2014

Heard both sides.

The application is allowed for the reasons set out therein.

CACP No. 15 of 2014

1. Aggrieved by the costs of ₹25,000/- fastened on the appellant in the contempt proceedings initiated against the appellant, the present appeal has been preferred.

2. On a careful perusal of the records, we find that on 6.1.2010, respondents 1 to 5 in the main Civil Writ Petition volunteered to undertake not to dispossess the petitioner therein till 8.2.2010. But interim order was passed on the above date of hearing was taken up on 8.2.2010 by the Single Bench of this Court, instead of directing the appellant herein to abide by the undertaking given by it until further orders, he was pleased to order that the interim order passed earlier shall continue.

3. The Single Bench of this Court, having adverted to the rival contentions in the Contempt Original Petition, found that there was some bonafide mistake on the part of the Chandigarh Administration in not adhering to the undertaking already given to the Court. Further, the learned counsel appearing for the respondents would fairly submit that the moment it was informed to the Chandigarh Administration that there had been an undertaking given before the Court, Chandigarh Administration removed the lock facilitating the respondents to re-possess the property. In view of the above development, the Single Bench of this Court found that the Contempt Petition itself has become infructuous. Anything in the opinion of the Single Bench, the respondents herein had been put to unnecessary harassment on account of the bonafide error committed by the Chandigarh

Administration.

4. Inasmuch as the Chandigarh Administration has committed only a bonafide error, as there was parallel proceedings for taking possession of the property going on between the parties, the Single Bench ought not to have imposed any costs on the appellant. Further, the respondents are satisfied with the re-possession given to them after the appellant herein had realized the bonafide mistake and opened the lock, facilitating the respondents to re-possess the property.

5. In view of the above, the order imposing cost by Single Bench on the Chandigarh Administration stands set aside. The appeal is ordered accordingly.

C.M. No. 6941-CII of 2014

This Court has disposed of the main contempt appeal itself and, therefore, the application becomes infructuous and it stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

January 29, 2015

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