

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

COCP No.1427 of 2013 (O&M)
Date of Decision:-05.11.2015

Hawa Singh

..... Petitioner

Vs.

Hoshiar Singh and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Shailendra Sharma, Advocate,
for the petitioner.

Mr.Navneet Singh, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed for initiating contempt proceedings under the Contempt of Courts Act, 1971 against the respondents for violating the order dated 23.1.2013 passed in RFA No.3686 of 2012.

Learned counsel for the petitioner has submitted that the respondents were allowed to withdraw the amount of compensation from the Court of Additional District Judge on furnishing of security to his satisfaction but the compensation has been withdrawn without furnishing security.

Learned counsel for the respondents has argued that the security has now been furnished in terms of the order passed by this Court on 18.5.2015.

Learned counsel for the petitioner submits that had the security been furnished at the time when the amount of compensation was withdrawn then there was no need for him to

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come to this Court to file this contempt and to incur unnecessary expenses on this litigation.

Learned counsel for the respondents has submitted that till the copy of the order dated 23.1.2013 was served upon them, the amount was withdrawn but at the same time the contention of the petitioner is that the order dated 23.1.2013 was passed in the presence of the counsel for the respondents.

Be that as it may, since the security has already been furnished as against the amount withdrawn by the respondents from the Court of Additional District Judge, Sonipat, therefore, the present petition has become infructuous but the respondents have to compensate the petitioner, who has to incur unnecessary expenses in pursuing this litigation.

In view thereof, the present petition is dismissed as infructuous subject to payment of ₹15,000/- as costs which shall be paid to the petitioner by way of a demand draft within a period of one month.

05.11.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**