

Sr.No.235

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

COCp-1528-2015(O&M)

Decided on: 03.09.2015

Shri Jainendra GurukulPetitioner

vs.

Tulsi RamRespondent

Coram: Hon'ble Mr. Justice Mahesh Grover

Present:- Mr.Adarsh Jain, Advocate for the petitioner.

Mr. S.K.Guleria, Advocate

Mr. K.K.Saini, Advocate for respondent.

Mahesh Grover, J

Issue notice of contempt to Mr. S.K.Guleria, Advocate.

Mr. Guleria submits his unconditional apology.

Let him file a written apology in this regard.

Mr. Tulsi Ram respondent is present in Court. He had given an undertaking to this Court to vacate the premises on or before 31.05.2015 which he has clearly defaulted viz dis-owning the orders of the Court. Although his affidavit has not been filed in this Court but the same has been filed in the registry even though not listed. He alongwith his counsel is present in the Court and does not dispute the filing of the application which contains the aforesaid contention. Not only this he has gone ahead to file a civil suit questioning the order of eviction itself passed by the Rent Controller and the Appellate Authority. Evidently the respondent Tulsi Ram is a person who has scant respect for law and has obstructed the course of justice. His conduct amounts to contempt on the face of the Court.

It has also been brought to the notice of the Court that despite the fact

that possession has been handed over to the petitioner, the respondent continues to defeat the same by obstructing entry into the premises.

DCP Panchkula is directed to ensure that the respondent does not obstruct the premises. In case he does so, the matter should be brought to the notice of this Court for further proceedings.

Consequently, the Court holds him guilty of contempt and seeks the response of Sh.Tulsi Ram present in Court.

Heard on the issue of sentence.

The Court would have ordinarily sentenced him to imprisonment but for the profuse apology which he tenders now and the fact that he undertakes to withdraw the civil suit by making an appropriate application tomorrow itself, consequently, instead of imposing sentence of imprisonment upon contemner namely Tulsi Ram, the Court deems it appropriate to visit him exemplary fine for his mis conduct.

He is, therefore, burdened with fine of Rs.50,000/- which shall be deposited before the Legal Services Authority, Haryana within a period of one month, failing which the Chief Judicial Magistrate, Panchkula would be at liberty to recover the amount from the respondent.

Mr.S.K.Guleria, Advocate has filed his affidavit tendering unconditional apology for his act and conduct and also undertakes to be careful in future. He is warned to be careful in future and not to give unethical advice to his clients resulting in the flouting of the orders passed by the Courts.

Disposed of.

03.09.2015

mamta

(MAHESH GROVER)

JUDGE