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CM Nos.11388-89-CII of 2015 in/and
COCP No.163 of 2015 and
CR No.3868 of 2014 (O&M)

Amarjit Kaur and another
Versus
Mohinder Kaur

Present: Mr. Sanjay Tangri, Advocate,
for the applicant/respondent.

Mr. Anmol Partap Singh Mann, Advocate,
for the non-applicant/petitioners.

CM No.11388-CII of 2015 in COCP No.163 of 2015

Exemption granted from filing certified and typed copies
of annexures. Reply filed on behalf of the respondent is taken on
record.

Application stands disposed of.

CM No.11389-CII of 2015 and COCP No.163 of 2015

The application is filed by the contemner for dispensing
with personal appearance on a plea that she is living away in
England and has undergone eye-surgery and it is difficult for her to
be present in court as directed. The contempt notice was issued in a
situation where the decree-holder had applied for execution of the
decree in spite of an order of stay which was passed in the presence
of her counsel before this court. The counsel explains that the
application had been filed by mistake on the advice of the power of
attorney and no deliberate contumacious conduct could be attributed
to the contemner. The counsel would state that the party has purged

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- 2 -

herself of contempt by even having the application for execution dismissed.

I find that the reasons given for leniency to be acceptable but there is simply no justification at all for filing a petition for execution even if she were illiterate. Even while dispensing with appearance of the party, I am of the view that the contemner was guilty of disobedience of the order of the court and I impose a cost of ₹10,000/- against the contemner. No further orders would be necessary and the amount shall be paid within 4 weeks from today to the petitioner. If the amount is not paid, the petitioner shall be at liberty to approach this court for appropriate redressal.

Application and the contempt petition stand disposed of.

CR No.3868 of 2014 (O&M)

Post for arguments on 12.10.2015.

A photocopy of this order be placed on the file of each connected case.

(K.KANNAN)
JUDGE

26.05.2015
sanjeev