

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

COCN No.733 of 2013

Date of decision:19.01.2015

Satbir Gautam

... Petitioner

Vs.

Suresh Chander & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Gurinderjit Singh, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J.

The instant contempt petition arises out of order dated 21.11.2012, whereby while disposing of Civil Revision No.1379 of 2012, it had been directed that the trial Court would not pass the final order for a period of one month.

Assertion made on behalf of the petitioner is that inspite of such restraint order, an ex parte final decree was passed by the trial Court on 01.12.2012 i.e. within a period of one month and in violation of the directions issued by the High Court.

Counsel appearing for the petitioner has contended that the counsel for the petitioner at Rajpura had duly informed the Civil Judge as regards the order dated 21.11.2012 passed by this Court and inspite thereof, the final orders were passed on 01.12.2012.

On 17.07.2013, this Court had directed for filing of the affidavit of the concerned advocate at Rajpura indicating that the order dated 21.11.2012 passed by this Court had been brought to the notice of the

Civil Judge. Even the comments of the Presiding Officer were called for to explain the circumstances in which ex parte decree was passed on 01.12.2012.

On 10.09.2013, the comments of the Presiding Officer which were received in a sealed cover were perused and in which, it was stated that the copy of the order passed in civil revision was received only on 19.01.2013, whereas, the ex parte decree already stood passed on 01.12.2012 and the proceedings in the contempt petition was adjourned to 26.09.2013 with a directions that the affidavit of the counsel concerned in Rajpura be filed in the light of the earlier order passed by this Court on 17.07.2013.

Suffice it to notice that inspite of repeated opportunities having been availed of thereafter i.e. 26.09.2013, 20.01.2014 as also 08.08.2014 and a period of more than 1½ year having elapsed, the affidavit of the counsel, who is stated to have appeared before the trial Court, has not seen the light of the day and has not been placed on record.

Under such circumstances, there would be no occasion for this Court to disbelieve the comments furnished by the Presiding Officer.

No case for contempt petition is made out.

The contempt petition is, accordingly, dismissed.

19.01.2015*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**