

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

Civil Revision No.2217 of 2014

Date of decision: 06.04.2015

K.C. Ahuja

... Petitioner

versus

M/s Jai Suiting's & Sarees Mills

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. R.K. Malik, Senior Advocate,
with Mr. Mandeep Singh, Advocate,
for the petitioner.

Mr.Jitender Dhanda, Advocate,
for the respondent.

K.Kannan, J. (Oral)

1. The revision petition is by an officer of the Corporation who was required to answer an action for alleged contempt of the court order. The petitioner was responding to an application filed under Order 39 Rule 2-A CPC brought at the instance of the respondent to an order passed on 16.10.1999. This order was itself an order passed by the Additional District Judge against the order passed by the Additional Civil Judge (Senior Division), Rewari. The Additional District Judge had allowed the borrower from the Corporation to find a suitable customer on his own and make possible a sale transaction of the property to raise adequate resources

to pay back the loan obtained by the plaintiff-respondent. When the order was passed on 16.10.1999 and the court was allowing for 3 months' time, it appears that the Corporation advertised and put up the property even within 3 months' time. In the action for contempt taken against the Manager in his individual capacity, the contention was that he had no role to pay in settling the terms of auction or putting up the property for sale and that he was not himself guilty of disobedience of the order. The learned senior counsel for the petitioner would read to me the observations made by the courts below that the petitioner himself was not personally responsible, but all the same as a person, who was representing the Corporation, the auction for sale of the property within 3 months must be taken as an action for disobedience the order of the court.

2. I asked the counsel for the respondent-plaintiff as to how the responsibility of the petitioner was sought to be fixed when there is nothing that is evidence of fact that he had any role to play in allowing the property to be sold in auction. The counsel says that the order passed by the first court which was modified in appeal providing for a direction for delivery of the property to the plaintiff and the plaintiff, who was the Manager at the relevant time, failed to deliver possession of the property and had further allowed the property to be sold by higher officials. The contempt was not merely disobedience of the order of the District Court but also the

order of the trial Court that directed the property to be delivered to the plaintiff. The counsel for the respondent is not even able to produce before me copy of the order of the first court to say that there had been any violation of the direction to deliver possession which was the basis for taking action for contempt. Actually, there is no direction to the Manager to deliver the property to the original owner even in the appellate court order. I find no scope for intervention. The order is erroneous and it is set aside. The civil revision is allowed.

(K.KANNAN)
JUDGE

06.04.2015
sanjeev