

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.284 of 2014

Date of Decision.21.05.2015

Brijnesh Chadha

.....Petitioner

Versus

Smt. Vandana Maria

.....Respondent

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. An application was filed under Section of the Hindu Marriage Act for visitation rights and an order passed thereon by the Court of jurisdiction was alleged to be not complied with the wife and hence, a contempt petition was filed before the Court below. The Court dismissed the application. The revision is against that order.

2. No Court other than the High Court or Supreme Court has the power to issue orders for contempt, except the power available to a Civil Court under Order 39 Rule 2-A CPC against orders of injunction issued under Order 39 Rule 1, 2 CPC. If there is any contempt either civil or criminal committed before a subordinate court, the appropriate remedy is only to approach the High Court for initiating action for contempt by the procedure established under Section 11 of the Contempt of Courts Act read with Punjab and Haryana High Court Contempt Rules particularly Rule 6 empowering the High Court to act on

a reference from a subordinate court. The procedure is, therefore, to apply to the Court below for appropriate action for reference to the High Court or the petitioner may choose to apply to this Court itself in the manner contemplated under the relevant rules.

3. The impugned order passed by the Judge is not tenable. He had no power to take any action for contempt. He appears to have disposed of the case on merits. The revision petition is dismissed but with the above observation so that the petitioner may adopt appropriate procedure.

(K. KANNAN)
JUDGE

May 21, 2015
Pankaj*