

COCP-2342-2015

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

COCP No.2342 of 2015 (O&M)
Date of decision: December 17, 2016

Jagdish ...Petitioner

Versus

Bhanwar Singh ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.
Dr. Sushil Gautam, DAG, Haryana.
Mr. Ravi Kamal Gupta, Amicus Curiae.
Mr. A.P.S. Mann, Advocate for the contemner.

Rajan Gupta, J. (oral)

Present contempt petition arises out of a reference made by the court below stating that Bhanwar Singh willfully obeyed the order dated 22.02.2007, passed by the civil court.

Brief factual background of the case is that petitioner Jagdish filed a suit for specific performance on the basis of agreement to sell dated 14.11.2005. Same was executed by Bhanwar Singh, Kamal Singh and Ram Singh. In said suit petitioner/plaintiff Jagdish also moved an application under Order 39 Rules 1 & 2 CPC, which was allowed by the Civil Judge (Junior Division), Faridabad on 22.02.2007. The court directed that the parties would maintain status quo qua the property. During pendency of suit, Kamal Singh and Ram Singh executed their part of the agreement, thus, suit survived against Bhanwar Singh only. On 06.03.2009, Bhanwar Singh

executed a relinquishment-deed in favour of his mother. Coming to know of this fact, plaintiff moved an application bringing this fact on record and sought that proceedings be initiated for committing contempt of court. Acting on that basis, Civil Judge (Junior Division), Faridabad examined the matter and found that Bhanwar Singh had actually disobeyed the order dated 22.02.2007 by executing a relinquishment-deed in favour of his mother. Subsequently, the suit was decreed in favour of plaintiff namely, Jagdish on 04.09.2010. Said judgment was upheld upto the High Court. There is, thus, no room for doubt that Bhanwar Singh actually committed contempt of court. He is held guilty accordingly.

Mr. Mann at this stage submits that keeping in view the fact that Bhanwar Singh belongs to a economically poor strata of society, a lenient view may be taken by this court. An unconditional apology has also been tendered in the affidavit dated 14.07.2016 filed by him.

This court, however, has to ensure that the orders passed by the civil court should not be taken lightly by the litigants. In case reference is made by the civil court regarding commission of its contempt by a litigant, Section 10 of the Act would come into play and this court is competent to pass appropriate order. This court also has to ensure that the interim orders passed by the courts below are complied with in letter and spirit. In case this is not done, orders passed by civil court would be rendered meaningless. There is a clear cut finding of the guilt of the contemner on record. Besides, his counsel has not seriously disputed it. He has only prayed that a lenient view may be taken. He has also prayed that unconditional apology tendered by the contemner may be accepted.

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However, in the facts and circumstances of the case, no ground for accepting the same is made out. The prayer for accepting unconditional apology is, thus, rejected. However, taking a lenient view in the matter, contemner is directed to be detained till rising of the court. In addition, he is also held liable to pay Rs.2000/- as fine.

The petition is disposed of in the above terms.

(RAJAN GUPTA)
JUDGE

December 17, 2016
'Rajpal'