

In the High Court of Punjab and Haryana at Chandigarh.

**COCP No.3151 of 2015
Decided on 18.1.2016**

Bimal Kumar

--Petitioner

Vs.

Pawan Kumar

--Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Tarun Singla, Advocate, for the petitioner

Mr. Nimanyu Gautam, Advocate, for the respondent

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 ?

Rakesh Kumar Jain,J: (Oral)

The petitioner has invoked the provisions of Section 12 of the Contempt of Courts Act, 1971 (for short,'the Act') for the alleged willful disobedience of the orders of this Court dated 23.5.2015 and 29.5.2015.

In short, the petitioner is the owner of the shop

(hereinafter referred to as the 'demised premises'). He had filed an application for ejectment of the respondent from the demised premises, inter-alia, on the ground of personal necessity and non-payment of arrears of rent. The said application was allowed by the Rent Controller, Ludhiana, on 10.2.2014, directing the respondent to hand over vacant possession of the demised premises to the petitioner within a period of three months. The appeal filed by the respondent before the Appellate Authority was also dismissed on 23.12.2014.

Thereafter, the petitioner filed a Civil Revision No.2040 of 2015 before this Court in which the following interim order was passed which reads as under:-

“Mr.Namit Gautam, Advocate.

This is tenant's revision petition against the ejectment order passed by the Rent Controller and the Lower Appellate Court on the ground of personal necessity. The courts below have held that the landlord/respondent requires the tenanted premises for extending his business. Predecessor-in-interest of the petitioner had been in occupation of the shop in dispute since 1970 at a meagre rent of ₹150/- per month, which was enhanced from time to time. At present the rate of rent is ₹300/- per month. Without prejudice to the rights of the petitioner at this stage, counsel for the petitioner is directed to seek instructions if the petitioner would be able to furnish an affidavit to the effect that he would hand over the vacant possession of the shop in dispute to the respondent subject to payment of entire arrears of rent/mesne profits in case sufficient time is granted to him to do so.

Notice of motion to the respondent for the said purpose for 18.5.2015.

Meanwhile, ejectment of the petitioner will remain stayed subject to the payment of entire arrears of rent/mesne profits

with effect from the date of ejectment order”.

Finally, revision petition was dismissed on 29.5.2015 with the following order:-

“Six months time is granted to the tenant/petitioner to vacate the premises subject to his paying entire arrears of rent within a period of one month.

Dismissed”.

Thereafter, the respondent also tried his luck before the Apex Court by filing S.L.P. (C) No. 31040 of 2015 which too was dismissed on 16.11.2015 in which the following order was passed:-

“Heard learned counsel for the petitioner.

No ground for interference is made out in exercise of our jurisdiction under Article 136 of the Constitution of India.

The Special Leave Petition is accordingly dismissed”.

Learned counsel for the petitioner has submitted that period of six months allowed to the petitioner to vacate the demised premises has since been expired on 29.11.2015 but so far, vacant possession has not been handed over and hence the present petition has been filed.

After notice, learned counsel for the respondent has put in appearance and has submitted that a review application has been filed before the Apex Court in which no date has been fixed so far.

I have heard learned counsel for the parties and after examining the available record, it is found that the respondent has hardly any respect of the order passed by this Court as the time was granted to him, on his asking, of six months when the petition filed

by him was dismissed. Though, he is alleged to have paid the arrears of rent but vacant possession has still not been handed over to the petitioner and had rather challenged the order dated 29.5.2015 passed by this Court by way of S.L.P in which he also failed.

Thus from the facts and circumstances of the case, it is obvious that the respondent has committed willful disobedience of the order of this Court and has made himself liable under the Contempt of Courts Act, 1971. Accordingly, this Court finds no other alternative but to hold him guilty of the Contempt of Courts Act and is, thus, convict him for six months with fine of ₹2000/-. In case, the fine is not deposited, the respondent would further suffer one month's sentence.

A copy of this order be sent to the Chief Judicial Magistrate, Ludhiana, to initiate process of arrest of the respondent immediately so that he should suffer the sentence imposed by this Court.

18.1.2016
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(Rakesh Kumar Jain)
Judge