

219 **CM No.16714-CII of 2016 in
COCF No.737 of 2016**

Jagdeep Singh vs. Sh. Vikas Gupta (IAS) and others

Present: Mr. Sanjiv Gupta, Advocate,
 for the petitioner.

 Mr. B.R.Mahajan, Senior Advocate, with
 Mr. Anil Chawla, Advocate, and
 Ms. Manpreet Ghuman, Advocate, for the respondents.

 This application is filed for revival of the contempt petition, in
which the following order was passed on 24.05.2016:-

 “Learned counsel for the petitioner submitted that he may
 be permitted to withdraw the present petition.

 Ordered accordingly.”

 After notice in the application, counsel for the respondents
appeared and submitted that the present application is not maintainable as it
is prayed in the application that the order dated 24.05.2016 be reviewed. It
is submitted by the respondents that no review application is maintainable in
the contempt jurisdiction.

 However, counsel for the petitioner has submitted that the
application is basically for revival of the contempt petition because the
order passed by this Court has still not been complied with.

 Be that as it may, the fact remains that the petitioner had made
a statement for withdrawal of the petition but did not obtain any order from
the Court for filing any revival application in case it is found that the order
passed by this Court is not duly complied with.

 The question, thus, arises as to whether the doors of the Court
be closed to the petitioner in case he had withdrawn the contempt petition

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under the impression given by the respondents that the order passed by this Court has been duly complied with?

To my mind, insofar as the application for revival is concerned, it is not maintainable and dismissed as such, but the petitioner has certainly a right to file another contempt petition as there is no *res judicata* in the contempt proceedings.

In view thereof, the petitioner may, if so advised, file another contempt petition in case the order passed by this Court has still not been duly complied with.

November 11, 2016
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(Rakesh Kumar Jain)
Judge