

Sr. No.201+202

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

COCP No. 799 of 2015

Date of decision: 03.11.2016

Baldev Singh

.....Petitioner

versus

Sadha Singh and others

.....Respondents

COCP No. 804 of 2015

Sukhdev Singh

.....Petitioner

versus

Sadha Singh and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. B.S.Guliani, Advocate
for the petitioner.

Mr. Navdeep Chhabra, Advocate
for the respondents.

Rakesh Kumar Jain, J.(Oral)

This order shall disposed of two contempt petitions bearing COCP No. 799 and 804 of 2015 as the issue involved in both the cases is same. However, the facts are being extracted from COCP No.799 of 2015.

This petition is filed for the alleged disobedience of the order dated 11.02.2015 passed in Civil Revision No. 5166 of 2014.

After notice, counsel for the respondents has pointed out that an application bearing No. 7982-CII of 2015 was filed in CR No. 5166 of 2014 by respondents No.1 and 2 for withdrawal of the revision petition filed by them. Interestingly, in the order dated 22.04.2015, the presence of counsel for the respondent is not marked whereas the presence of present petitioner's

counsel was marked and the following order was passed by this Court:

“CM-7982-CII-2015

This is an application for disposal of the main case on the ground that the matter has been settled between the parties as per Annexure R1. The application is supported by affidavit.

Misc. application is allowed.

CR-5166-2014

Revision petition disposed of as withdrawn in view of compromise arrived at between the parties.”

Counsel for the respondents has submitted that since the main revision petition has been withdrawn on account of compromise between the parties, therefore, this petition is not maintainable whereas counsel for the petitioner has submitted that an application for review of the order dated 22.04.2015 has already been filed in which notice has been issued, therefore, this case may be adjourned to await the decision of the review application.

I have heard both the learned counsel for the parties and after examining the record, am of the considered opinion that at present, it appears that there is no violation of the order passed by this Court as the interim order has already been over with the disposal of the revision petition on the basis of compromise between the parties.

In case any order is passed in the review application in favour of the petitioner and it is so held that the respondents have violated the order passed by this Court willfully, the petitioner may have the remedy to file the contempt petition, if so advised but at present these petitions are not

maintainable and the same are dismissed as not maintainable.

3rd November, 2016

Shivani Kaushik

[Rakesh Kumar Jain]
Judge

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No