

COCN No. 979 of 2016

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCN No. 979 of 2016

DATE OF DECISION:25.04.2017

Ashok Kumar

.....Petitioner

Versus

Sh. A.K. Gupta

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

DAYA CHAUDHARY, J.

Vide order dated 27.8.2015 passed in C.W.P. No. 17853, the legal notice served by the petitioner on 30.5.2015 was ordered to be decided after affording an opportunity of hearing to the petitioner within a period of four months from the date of receipt of a copy of the order. A liberty was also given to the petitioner that in case the order is adverse to his interest, he can challenge the same. In pursuance of aforesaid directions, no action was taken within the stipulated period.

The petitioner has approached this Court by way of filing the present contempt petition, wherein, notice of motion was issued on 29.4.2016. While passing order dated 12.1.2017, it was specifically mentioned that in spite of issuance of notice of motion, neither any reply was filed nor order dated 27.8.2015 was complied with. The respondent was directed to comply with order dated 27.8.2015, failing which, he was directed to be present in Court on the next date of hearing. Thereafter just to avoid personal appearance, order dated 2.3.2017 has been passed after

delay of about one and a half year, vide which, claim of the petitioner in part has been accepted, as mentioned in the legal notice. Not only the order passed by this Court has not been complied with but unnecessary harassment has also been caused to the petitioner as he has been deprived of his rights for which he was entitled and the petitioner has to approach this Court by way of filing the present petition. It would be a third round of litigation. Neither any reasonable explanation for causing delay has been given in the reply nor any application was moved for extension of time for non-compliance of the order. Not only inaction is there on the part of the respondent but the order passed by this Court has not been complied with as per direction issued in the writ petition.

Since the order passed by this Court has been complied with but with unexplained delay and contempt petition is disposed of accordingly.

However, for causing delay in not deciding the legal notice served by the petitioner within the stipulated period, a cost of ₹25,000/- is imposed upon the respondent, which shall be paid to the petitioner by way of draft, within a period of 15 days from the date of receipt of copy of the order.

However, the petitioner is at liberty to file representation with regard to his claim, which has not been considered so far.

April 25, 2017
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes