

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

CR No.3344 of 2015

Date of Decision: 27.11.2017

Didar Singh

.....Petitioner

Versus

Joginderpal Jhanji and another

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Dhirinder Chopra, Advocate
for the petitioner.

Mr. Arun Nehra, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(ORAL)

[1]. Notice of motion was issued on 10.12.2015 on the basis of unconditional apology tendered by the petitioner. A statement was made by learned counsel for the petitioner that the petitioner is willing to compensate the respondents. Operation of the impugned order was stayed on the basis of willingness shown by the petitioner in the context of compensating the respondents after committing contempt of the order dated 16.09.1996.

[2]. A suit for mandatory injunction was filed by the

plaintiffs/respondents for issuance of 2450 equity shares of the value of Rs.2,45,000/- on 06.04.1995. The suit was dismissed by the trial Court on 06.02.2002, however Lower Appellate Court accepted the appeal and decreed the suit vide judgment and decree dated 14.12.2002. Execution of the said decree is pending. Second suit for permanent injunction was filed by the plaintiffs/respondents against Gobind Singh, Managing Director and M/s Sewak Bus & Transport Company on 16.07.1996. The application under Order 39 Rules 1 and 2 CPC was dismissed by the trial Court on 16.08.1996, however in the miscellaneous appeal against the said order, injunction was granted and defendants were restrained from alienating the assets of the company on 16.09.1996.

[3]. The company was allowed to alienate the assets subject to deposit of Rs.3 lacs to insure payment to the respondents in the event of decision of appeal goes in favour of the plaintiff. The suit was ultimately decreed on 28.08.2004 and has attained finality in the absence of any challenge made against it.

[4]. Petitioner Didar Singh became Managing Director of the company w.e.f. 01.04.1997 and thereafter, he sold away 10 marlas of land of the company vide two sale deeds dated 24.04.1997 during currency of the said order. Proceedings in

terms of Order 39 Rule 2-A CPC were initiated in which impugned order was passed wherein petitioner was ordered to be detained in civil imprisonment for one month. On 07.11.2017 after noticing the aforesaid facts, the time was given to the petitioner to devise ways and means to compensate the decree holder in one go.

[5]. Today, learned counsel for the petitioner has shown his inability to adhere to the commitment made on earlier occasion in the context of compensating the decree holder. Faced with this situation, learned counsel for the petitioner intends to withdraw this revision petition.

[6]. Perusal of the interlocutory orders on record would show that the process of the Court was utilized on the assurance given by the petitioner to compensate the respondents and even operation of the impugned order was stayed on 10.12.2015.

[7]. Now in view of stand taken by the petitioner that he is unable to comply with the commitment, in my considered opinion, the petitioner has misused the concession of interim protection granted on 10.12.2015. Though the prayer for withdrawal of the revision petition has been made, but I dismiss this revision petition with the cost of Rs.1 lac to be credited in favour of the respondents within one month. In the event of non-

deposit of the cost, the same shall be recovered by means of
arrears of land revenue.

[8]. Dismissed.

27.11.2017
prince
Whether Reasoned/Speaking

Whether Reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No