

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**  
**Sr. No.: 248**

**Criminal Revision No.8813 of 2015 (O & M)**  
**Date of Decision: February 07, 2017**

P.K. Malhotra, Secretary, Department of Legal Affairs

..... PETITIONER

*VERSUS*

Lachhwant Singh

..... RESPONDENT

...

**CORAM:** HON'BLE MR. JUSTICE JASPAL SINGH

...

**PRESENT:** - Mr. Satya Pal Jain, Additional Solicitor General of India,  
with Mr. Dheeraj Jain, Advocate, for the petitioner.

Mr. Lachhwant Singh, respondent in person.

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**Jaspal Singh, J**

1. The instant civil revision has been preferred by the petitioner under Article 227 of the Constitution of India seeking setting aside of order dated September 21, 2015 passed by the Civil Judge (Senior Division), Patiala.

2. The brief facts leading to the instant petition are that a petition for civil contempt under the Contempt of Court Act, 1971 was filed by Lachhwant Singh – decree holder (respondent herein) against the petitioner – judgment debtor for non-compliance of judgment & decree dated October 30, 2013 passed by the Civil Judge (Senior Division), Patiala, within a specified period of three months. The said petition was disposed of

by the Civil Judge (Senior Division), Patiala vide order dated August 13, 2014, the operative part of which reads as under:-

“23. Thus, in the totality of circumstances the petitioner failed to demonstrate that the respondent has willfully or intentionally disobeyed the orders passed by the learned trial courts. As such, no contempt proceedings can be lawfully initiated against the respondent as the concerned respondent has already duly considered afresh the case petitioner in the light of the directions issued by the concerned courts of law. Hence, the present contempt petition being devoid of any merits fails and the same is hereby dismissed. File be consigned to record room.”

3. Aggrieved against the aforesaid order dated August 13, 2014, respondent – Lachhwant Singh preferred a Civil Revision No.7213 of 2014 under Article 227 of the Constitution of India for quashing/ setting aside thereof. The said revision petition was disposed of by this Court vide judgment dated May 01, 2015, which is reproduced as under:-

“1. The revision petition is against the dismissal of the petition seeking for action of contempt before the Court below. I asked the counsel to explain as to how the petition for contempt was possible before the Court below other than the High Court and the Supreme Court in a situation where a contempt for disobedience was sought in the manner provided Order 39 Rule 2-A CPC or Order 39 Rule 32 CPC.

2. The counsel for the petitioner points out to me that under the Rules framed by the Court under the Contempt of Court (Punjab and Haryana) Rules, 1974, the High Court will have the power to take action for civil contempt, inter alia, on a reference made to it by the Court which is subordinate to the High Court. I do not have the benefit of having the copy of the petition filed before the Court but I venture to believe that such a prayer was made. Even if it was not asked, ***I set aside the order and direct the Court below to consider the plea for a reference and pass appropriate order.***

3. The order passed by the Court below is set aside and remitted to the Court below for taking appropriate action. The civil revision is disposed of with the above directions.”

[Emphasis Supplied]

4. In pursuance of the aforesaid order, the matter was considered by the Civil Judge (Senior Division), Patiala and was disposed of vide impugned order dated September 21, 2015 by observing as under:-

“16. So, in the entirety of the facts and circumstances, it is considered opinion of this court that the ends of justice shall be fully met if the case of the petitioner Lachhwant Singh for

appointment as Notary Public in District Courts, Patiala be considered afresh. Accordingly, the concerned respondents are hereby directed to reconsider the case of the D.H. for appointment as Notary Public as per order dated 1.12.2012 passed by the court of Sh. Rajiv Kalra, Civil Judge (Senior Division) Patiala and also in view of the order passed by the court of Ms. Navjot Sohal, Learned Addl. District Judge, Patiala dated 22.2.2012 by applying old rules and as per the findings given vide judgment dated 30.1.2013 passed by the court of Sh. Nirbhaw Singh Gill, Ld. Addl. District Judge, Patiala. It is further directed that petitioner's right of being reconsidered for appointment as Notary Public in Patiala District shall not be liable to be rejected merely on the ground of lack of vacancies as his case has to be considered under old rules and in the light of previously prevailing situation and circumstances which is evident from the spirit of judgment passed by the civil court in favour of petitioner. Thus, it is ordered that process must be completed within three months from the date of this order. Application stands disposed off accordingly. File be consigned to record room."

5. A glance at the impugned order vis-à-vis order dated May 01, 2015 passed by this Court transpires that the Civil Judge (Senior Division), Patiala, while passing the impugned order has travelled beyond the scope and jurisdiction of order dated May 01, 2015 passed by this Court. Vide order dated May 01, 2015, this Court had directed the court below to consider the plea for reference and pass appropriate orders. The reference was to be made by the court below under the rules framed by this Court under the Contempt of Court (Punjab and Haryana) Rules, 1974, but instead of considering about the making of reference to this Court, the court below has passed a detailed order and has issued a direction to the petitioner to reconsider the case of respondent – decree holder under the old rules. Since there was no such direction to trial court to consider the case of respondent for giving such a direction, thus, on this short ground only, impugned order dated September 21, 2015 is not sustainable in the eyes of law. Otherwise also, it cannot be said to be a compliance of order dated May 01, 2015 passed by this Court. Thus, impugned order dated September 21, 2015 is set aside by way of acceptance of instant revision petition.

6. The matter is remitted to the court of Civil Judge (Senior Division), Patiala for fresh decision of the matter strictly in compliance of order dated May 01, 2015 passed by this Court. The parties are directed to appear before the trial court on March 16, 2017. Since the matter has already prolonged, the court below is directed to decide the matter within three months from the date of receipt of a copy of this order.

**February 07, 2017**  
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**(Jaspal Singh)**  
**Judge**

Whether Speaking/ Reasoned:  
Whether Reportable:

Yes/ No  
Yes/ No