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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT. CAS (C) 353/2015 & CM APPL. 44754/2016

UNION OF INDIA & ANR. Petitioners
Through Mr.Ruchir Mishra, Advocate.

versus

MR D.A. PINGLE DIRECTOR
SAINATH ENTERPRISES PVT LTD. Respondent
Through Ms.Neela Gokhale, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **13.09.2017**

On 29th May, 2017, this Court had held the respondent guilty of wilful disobedience of the order dated 26th December, 2010. However, the sentence of the respondent was deferred as the counsel for the respondent had assured and undertaken to this Court that the respondent shall make honest efforts to amicably resolve the matter with the petitioners on or before the next date of hearing. The matter was directed to be listed on 01st September, 2017.

On 28th August, 2017, the respondent herein filed an appeal being Cont.App.(C) No.4/2017, wherein the Division Bench of this Court made it clear that this Court was at liberty to proceed with the sentencing irrespective of the pendency of the appeal.

On 01st September, 2017, the respondent was not personally present. Consequently, at the request of learned counsel for the respondent, the matter was adjourned to 13th September, 2017 and the respondent was directed to be personally present in Court today.

However despite the matter being passed over, the respondent is not present. Learned counsel for the respondent states that she is not aware of the whereabouts of the respondent. Consequently, this Court has no other option but to proceed with the sentencing of the respondent.

The Supreme Court in ***Bank of Baroda Vs. Sadruddin Hasan Daya, (2004) 1 SCC 360*** has held as under:-

“16. Coming to the question of sentence, we are conscious of the fact that the power to punish for contempt must always be exercised consciously, wisely and with circumspection. At the same time, the court should act with seriousness and severity where justice is jeopardized by a grossly contemptuous act of a party. If the judiciary is to perform its duties and functions effectively and true to the spirit with which they are sacredly entrusted, the dignity and authority of the courts have to be respected and protected at all costs. Otherwise, the very cornerstone of our constitutional scheme will give way and with it will disappear the rule of law and the civilized life in the society (see Vinay Chandra Mishra, In re [(1995) 2 SCC 584]),.....”

Keeping in view the aforesaid mandate of law and the order dated 29th May, 2017, this Court sentences the respondent to one month civil imprisonment along with fine of Rs.2000/-

Registry is directed to prepare the necessary warrants forthwith.

With the aforesaid observations and directions, present contempt petition stands disposed of.

MANMOHAN, J

SEPTEMBER 13, 2017
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