

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
122**

COCP-1429-2018

Date of decision:10.09.2018

LALITA GREWAL

...PETITIONER

V/S

PUNEET MOHINIA

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Rimjhim Mahajan, Advocate,
for Mr. Sanjeev Pandit, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court alleging violation of the order passed by this Court on 23.03.2018 (Annexure P-1) in C.R. No. 1975 of 2018, which was preferred by the petitioner, and was disposed of by passing the following order, operative part of which reads as follows:-

“ No doubt, the petitioner-defendant had taken many adjournments to lead evidence and failed to do so, but I am of the view that the lis between the parties is required to be adjudicated on merits and not on technicalities. In order to render justice, I deem it appropriate, to grant one effective opportunity to the petitioner-defendant before the trial Court to conclude entire evidence, subject to payment of costs of ₹5,000/- to be paid to the respondent-plaintiff, which shall be a condition precedent. The petitioner-defendant would submit a list of the witnesses within a period of three days from today and obtain dasti summons for effecting service upon the

witnesses, in accordance with law.”

It is alleged by the petitioner that in compliance with the said order, cost was sought to be deposited with the Registry of the Court below but the same was not accepted on 26.03.2018 and an application was also moved as per the observations of this Court to comply with the same. On the averments made by the petitioner, an order dated 07.05.2018 was passed by this Court, whereby comments of the officer were sought as it was alleged that the trial Court had proceeded to finally decide the suit by decreeing it on 27.03.2018 without complying with the order passed by this Court on 23.03.2018. The comments of the officer dated 28.05.2018 have been received.

Having perused the said comments, this Court is satisfied that the officer, who had proceeded to decide the case, has not violated the order passed by this Court especially in the light of the comments in para Nos. 5 and 6, which reads as follows:-

“5. However on 26.03.2018, the applicant through her counsel played hide and seek with the Court of the undersigned and till 03.55 P.M. she failed to comply with condition precedent of depositing ₹5000/- as costs payable to the plaintiff and it was just 5 minute before the Court time was going to be over, an application for summoning witnesses was filed. Since the request for summoning witness was without fulfilling the condition precedent, accordingly the request of summoning witness was declined, moreover, there was no request for obtaining dasti summons too and thereafter case was decided.

6. This series of even goes to show that if anyone has

committed contempt of the Court of violation of the order, the same is applicant/petitioner herself as she did not deposit the costs which was condition precedent and took the Court for a ride by filing application for summoning of witnesses at 03.55 P.M. i.e. at the fag end of expiry of three days time as afforded by the Hon'ble High Court.”

In the light of the above, I do not find any merit in the present contempt petition and, therefore, the same stands dismissed.

September 10, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No