

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

(1) C.O.C.P. No.2154 of 2016

Court on its own Motion

..... Petitioner

Versus

Sunil Dutt Bansal s/o Ram Sahai, r/o H.No.261, Sector 10, Panchkula

..... Respondent

(2) C.O.C.P. No.2155 of 2016

Court on its own Motion

..... Petitioner

Versus

Sunil Dutt Bansal s/o Ram Sahai, r/o H.No.261, Sector 10, Panchkula

..... Respondent

Date of Decision: 12.01.2018

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pardeep Sharma, Advocate for the petitioner(s).

Mr. D.K.Singal, Advocate for the respondent(s).

JASWANT SINGH, J. (Oral)

This common order shall dispose of the aforesaid two contempt petitions as they emerge out of common facts.

The dispute is between the brothers with Jai Bhagwan Bansal and Sanjay Bansal on one side and 3rd brother-Sunil Dutt Bansal on the other side.

Two petitioners-Jai Bhagwan Bansal and Sanjay Bansal have submitted that respondent-Sunil Dutt Bansal has violated the order dated 05.03.2015, whereby the terms of mutual settlement between the parties were arrived at in terms of the statement made by the parties and the

appeals were disposed of in terms of the joint statement made by them.

It is claimed that in terms of the said mutual settlement, Sunil Dutt Bansal was required to pay a sum of Rs.1.65 Crores by way of installments to be paid periodically by the end of the year 2015.

In view of the application made by the petitioners before the lower Appellate Court for alleged such violation, a reference under Section 15(2) of the Contempt of Courts Act was made before this Court.

At the time of hearing, learned Counsel for the respondent-Sunil Dutt Bansal has filed reply by way of affidavit dated 11.10.2017 of his Client, the same is taken on record. Copy of the same has been furnished to learned opposite Counsel. It is asserted in the reply that an application under Order 23 Rule 3 CPC for recalling of the order, as also the statement dated 05.03.2015 stands filed before the lower Appellate Court.

Notice in the said application stands issued and the same is now listed for hearing on 15.01.2018 before the lower Appellate Court.

It is further submitted that warrants of attachment, made in pursuance to the order dated 05.03.2015, stand stayed by the lower Appellate Court in the said proceedings.

In the light of the subsequent developments, it is not deemed appropriate to pursue with the present contempt petitions and, therefore, the same are liable to be disposed of as infructuous with a direction to decide the pending application.

Accordingly, both the present contempt petitions are disposed of as infructuous at this stage with a direction to the lower Appellate Court to decide the aforesaid application under Order 23 Rule 3 CPC expeditiously, preferably within six months from today.

The parties would be free to seek their appropriate remedies after

the decision of the aforesaid application including that of initiating contempt proceedings afresh.

January 12, 2018

(JASWANT SINGH)
JUDGE

Gagan

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>