

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

**CR No.3967 of 2016 (O&M)
Date of decision : March 23, 2018**

**M/s Nuchem Limited through its Managing Director and another
..... Petitioners**

Versus

Smt. Usha Rani Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sachin Jain, Advocate for the petitioners.

Mr. Anil Kumar, Advocate for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

It is informed that petitioner No.2 has died. However, learned counsel for the petitioners presses for decision on merits.

It comes out that for the execution of the Award dated 03.08.2013 passed by the Presiding Officer, Lok Adalat-cum-Sub Divisional Judicial Magistrate, Tohana, the execution was filed, in which it was alleged that respondent has willfully disobeyed the award dated 03.08.2018. Therefore, a criminal contempt was initiated by the learned Addl. Civil Judge (Sr. Divn.), Tohana and after recording the evidence, the present petitioners were convicted and punished with simple imprisonment for a period of six months and a fine of ₹2,000/-, vide order dated 19.03.2016 (Annexure P-1).

I am of the view that the powers under the Contempt of Court Act, 1981 lies with the High Court and the learned Addl. Civil Judge (Sr. Divn.), Tohana, was not competent either to initiate the proceedings under the Contempt of Court Act, 1981 or pass order of punishment. Therefore, the impugned order is patently illegal and is hereby set aside.

As such, the present revision petition is allowed. Since the main case has been allowed, the pending application, if any, also stands disposed of.

(KULDIP SINGH)
JUDGE

March 23, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No