

COCP-3218-2018 (O&M)

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

**COCP-3218-2018 (O&M)
Date of decision : 18.03.2019**

Vipan Kumar Sood

... Petitioner

Versus

Shiv Mohan Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Promila Nain, Advocate
for the petitioner.

Mr. Vijay Rana, Advocate
for the respondent.

AMIT RAWAL, J. (ORAL)

The costs of ₹2,000/- imposed by this Court on account of non-filing the reply within the stipulated period, was offered by learned counsel for the respondent, but not accepted by the petitioner.

This Court vide order dated 03.04.2018 had disposed of the writ petition with the following direction:-

"After hearing learned counsel for the parties, I am of the considered opinion that the petitioner has initiated a false litigation against respondent No. 2, a practicing lawyer, challenging his degree, obtained from the Lucknow University, Lucknow.

Not only the petitioner is hereby warned to desist from filing these frivolous petitions in future but also the amount of ₹ one lakh is ordered to be paid to respondent No.1 as costs.

The present petition is hereby dismissed."

The aforementioned order was clarified, vide order dated 16.07.2018 (Annexure P-3), in essence, the costs of ₹One Lac, instead of

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being paid to the respondent No.1 i.e. Bar Association of this Court, was ordered to be paid to respondent No.2, who is the petitioner in the contempt petition.

Mr. Rana, learned counsel appearing on behalf of the respondent has supplied the copy of order dated 04.01.2019 passed by Hon'ble the Supreme Court in SLP No.46954 of 2018, whereby the amount of costs, over and above ₹One Lac, deposited by the petitioner, has already been set aside.

Ms. Promila Nain, learned counsel appearing on behalf of the petitioner submitted that an amount of ₹One Lac shall not be construed to be costs already deposited with the Bar Association of this Court, but of the petitioner.

I am afraid the aforementioned argument is not sustainable as the costs of ₹One Lac, which was a pre-condition for issuance of notice, had already been deposited. Another costs of ₹One Lac as clarified vide order 16.07.2018, has already been set aside by Hon'ble the Supreme Court.

No further order is required to be passed. Rule is discharged.

The present contempt petition stands disposed of.

18.03.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**