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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-2072-2019

Date of decision: 14.10.2019

MANOHAR SADA WARTI

.. PETITIONER

VERSUS

DEEPAK PATIL AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.B.S.Saini, Advocate
for the petitioner.

Mr. R.P.S.Ahluwalia, Advocate
for the respondents.

AVNEESH JHINGAN, J. (Oral)

The contempt petition has been filed alleging wilful disobedience of the order dated 15.12.2018 passed by this Court in CWP No. 26656 of 2013. The only grievance raised in the contempt petition is that the costs imposed of Rs.50,000/- have not been paid.

There is long drawn litigation between the parties. An industrial dispute raised by the petitioner was allowed by the Labour Court vide award dated 01.02.1994. The said award was challenged by the respondents-Kharga Canteen by filing CWP No. 7982 of 1994. The writ petition was dismissed thereafter SLP preferred was also dismissed. The petitioner initiated proceedings for issuance of recovery certificate for claiming back wages. The issue was challenged. The writ petition challenging recovery certificate was dismissed. Thereafter, another recovery certificate was applied by the petitioner. The said certificate was challenged by filing CWP No. 26656 of 2013. The writ petition was dismissed with

costs of Rs. 50,000/-. It was further directed that 50% of the amount deposited before the Labour Court would be released to the petitioner and balance amount was open to be recovered.

The only issue in the present contempt petition is for recovery of Rs. 50,000/- costs. No assistance has been rendered as to why the remedy of execution cannot be availed. Learned counsel for the petitioner submits that the execution is not filed as the execution will take long time.

In the contempt proceedings, it is the endeavour of the Court that the petitioner should not be deprived from the fruit of the litigation but it cannot be used merely for a shortcut for execution, specially when no reason is mentioned for doing so.

The contempt petition is dismissed.

However, the petitioner would be at liberty to avail remedies in accordance with law.

14th October, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*