

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

CROCP No.3 of 2018
Date of Decision: 26.03.2019

Court on its own motion

.....Petitioner

Versus

Rao Jagdish Prasad

.....Respondent/Contemner

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Respondent-contemner in person with
Mr. Vipin Pal Yadav, Advocate.

JASWANT SINGH, J. (ORAL)

The instant contempt has been listed on a reference made by the District and Sessions Judge, Narnaul based on a request dated 07.04.2017 made by Sh. Dharampal, Civil Judge (Jr. Divn.)-cum-JM, Mahendergarh. In the application made by the Judicial Officer, it is submitted that the respondent-contemner Rao Jagdish Prasad has made false written complaint against the Judicial Officer before Hon'ble the Chief Justice of this High Court imputing corruption, improper motive, etc. while deciding the civil suit filed by the respondent-contemner against him.

It transpires that Rao Jagdish Prasad-plaintiff had filed a civil suit on 23.04.2012 for permanent injunction against his neighbour Ram Jiwan son of Jug Lal seeking to restrain the defendant from opening any door or raising construction within the area of the residential house of the plaintiff situated within the *abadi deh* of Village Jonawas, Tehsil and District Mahendergarh. The defendant also filed a counter-claim disputing the ownership of the plaintiff over the portion of land in dispute. In the written statement to the counter-claim filed by Rao Jagdish Prasad the pedigree table was enumerated showing himself to be the son of Puran

Singh. However, in the judgment and decree dated 08.09.2016 passed by the learned Civil Judge dismissing the claim and counter-claim, the pedigree table was wrongly depicted while holding that the plaintiff had failed to prove himself to be the successor-in-interest of the original owner-Govinda.

Although Rao Jagdish Prasad accepted that judgment and did not file any appeal. However, it is claimed that on the wrong advice he filed a complaint dated 05.04.2017 before Hon'ble the Chief Justice of this Court levelling allegations of corruption against the said Judicial Officer.

During the course of previous proceedings, this Court had directed the respondent-contemner to present himself before the Judicial Officer concerned for tendering his unqualified apology and seeking forgiveness.

Accordingly, the respondent-contemner is stated to have presented himself before the Judicial Officer concerned on 16.11.2018 and tendered his written apology. However, the same was not accepted and the Officer has sent a letter dated 19.11.2018 before this Court stating that he had suffered severe mental agony on account of contemptuous act of the contemner and the contemner does not deserve any pardon on his part.

In compliance of the directions of this Court, respondent-contemner is present in Court and has filed his fresh affidavit dated 26.03.2019 which is taken on record. Para 4 to 6 of the same read as follows:

- "4. That the deponent requests this Hon'ble Court with folded hands that he shall not moved any such type of application/complaint in future or used such type of language, against any judicial officer or verdict given by the courts and undertakes to recourse legal remedies, which are available under law.
5. That deponent honour to take submit that the deponent has highest regard towards the majesty of law and the

dignity of the Hon'ble Court and the deponent cannot even imagine for imputing any Court/Judge or Judicial Officer. Nonetheless, still if the Hon'ble Court considers that any act or omission on the part of deponent is wayward, the deponent tenders unconditional apology for the same.

6. That the deponent undertakes to abide by any order, if any, so directed or ordered by this Hon'ble Court and did not repeat such type of mistake in future."

The respondent-contemner at the time of hearing also assured the Court that he will never ever make any irresponsible much less adverse remarks against any judicial authority. He seeks forgiveness as any adverse order would have a serious consequence for continuing receipt of his pension. He further states that he is 65 years old and is suffering from many ailments.

In the light of facts of this case that making of the written complaint with false allegations is not denied, the respondent-contemner Rao Jagdish Prasad is liable to be convicted and sentenced. However, in view of the contents of the aforesaid written undertaking and the assurance given before this Court, we dispose of the present contempt petition subject to the condition that the respondent-contemner Rao Jagdish Prasad shall be bound by his aforesaid undertaking given in para 4. In case any incident of breach of the said undertaking by the respondent-contemner is brought to the notice of this Court, the present contempt would be liable to be revived for his conviction and sentence.

(JASWANT SINGH)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

26.03.2019
Vinay-I

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No