

COCN No.1042-2020

Date of Decision: 04.11.2020

M/s Zimidara Investment and Consultancy Pvt. Ltd.

...Petitioner

vs.

Surjit Singh

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Nitin Mittoo, Advocate for the petitioner.

Mr. H.S. Batth, Advocate for the respondent.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Sections 11 and 12 of the Contempt of Courts Act, 1971, is for initiation of proceedings against the respondent for willful and intentional disobedience of order Annexure P/3 dated 11.09.2019, passed in CRR No.4131 of 2012.

3. Learned counsel contends that vide order dated 11.09.2019, consensus arrived at between the parties was recorded, as per which, the petitioner (respondent herein) agreed to pay a sum of Rs.1,50,000/- (over and above the amount of Rs.1,07,788/- already paid) within two months, which was to be deposited in the account of the petitioner or paid through demand draft, but despite lapse of aforementioned period of time, the respondent failed to do the needful, therefore, the respondent is liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Learned counsel for the respondent, on the other hand, has already

states that the payment could not be made earlier on account of circumstances beyond the control of the respondent including the circumstances prevailing on account of Corona Virus pandemic but in view of the payment having been made, the matter requires a quietus.

5. Learned counsel for the petitioner states that the petitioner has been deprived of interest on the sum of Rs.1,50,000/- for a period of close to one year and that in the circumstances, liberty be granted to the petitioner to take out appropriate proceedings against the respondent for claiming interest on the aforementioned amount, in accordance with law,

6. I have considered the submissions of learned counsel.

7. Admittedly, vide order dated 11.09.2019, passed in CRR No.4131 of 2012, payment of Rs.1,50,000- was to be made by the respondent to the petitioner within two months, whereas the respondent has made the payment after the lapse of close to one year while taking up the plea that payment could not be made earlier due to circumstances beyond the control of the respondent including the coronavirus pandemic. Accordingly, while taking into account all aspects of the matter, the Contempt Petition is disposed of as not calling for any orders. However, liberty is granted to the petitioner to take out appropriate proceedings against the respondent, in accordance with law, for claiming interest on the aforesaid amount.

8. Contempt Petition disposed of with the aforesaid directions.

(B.S. Walia)
Judge

04.11.2020

'PS-Rajesh'

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