

COCF No.2134 of 2020

Date of Decision : 18.11.2020

Joginder Singh and another

...Petitioners

Versus

Pardeep Kumar Sabharwal

....Respondent

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

Present : Mr. Manvender Singh Dalal, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
 2. Prayer in the petition under Article 215 of the Constitution of India read with Sections 10 and 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondent for deliberate and willful disobedience of order Annexure P/1 dated 16.08.2016, in CWP-16524-2016 in case titled as 'Joginder Singh and another versus State of Punjab and others.'
 3. Learned counsel contends that vide order Annexure P/1 dated 16.08.2016, CWP-16524-2016 was disposed of by directing the Commissioner, Municipal Corporation, Ludhiana, to consider and decide the claim raised in legal notice dated 24.05.2016 by passing an appropriate order, in accordance with law within three months from the date of receipt of certified copy of order, but despite lapse of sufficient period of time, needful
- has not been done, therefore, the respondent is liable to be proceeded against

under the Contempt of Courts Act, 1971.

4. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him for non-compliance with orders dated 16.08.2016, in CWP-16524-2016.

5. Ms. Deepali Puri, Advocate accepts notice on behalf of the respondent and on instructions from the Commissioner, Municipal Corporation, Ludhiana, states that needful could not be done due to circumstances beyond the control of the respondent but in case, 04 weeks time is granted, needful would be done and orders passed on the claim made in legal notice dated 24.05.2016 would be communicated to the petitioners within 01 week, thereafter.

6. The same satisfies learned counsel for the petitioners, who states that in view of the assurance held out by the Commissioner, Municipal Corporation, Ludhiana through learned Counsel, he does not press the contempt petition and the same may be disposed of, as such, at this stage with liberty to the petitioners to move an application for revival of the contempt petition, if the circumstances of the case so warrant.

7. Accordingly, in the light of the statement of learned counsel for the parties, the contempt petition is ***disposed of*** as not pressed at this stage while directing the Commissioner, Municipal Corporation, Ludhiana, to decide the claim made in legal notice dated 24.05.2016 within 04 weeks from today and to communicate the decision taken thereon to the petitioners within 01 week thereafter.

8. However, it is made clear that in case the needful is not done within the stipulated period of time, the petitioner would be at liberty to move an

application for revival of the contempt petition.

(B.S. Walia)
Judge

November 18, 2020
'Rajneesh-Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>