

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CRWP No. 9027 of 2020

Date of Decision : 03.11.2020

SHIV CHOPRA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Anil Kumar Saini, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed by the petitioner for issuing appropriate direction to respondents No.1 to 4 to protect his life and liberty at the hands of respondents No. 5 to 7, who according to the petitioners are trying to eliminate him and cause harm to him.

As per the averments made in the petition, petitioner is married to respondent No. 5 and after the said marriage, which was performed on 16.08.2015, petitioner was living as 'Ghar Jamai' with the family of respondent No. 5 at their house. Petitioner has stated in the petition that about 8/9 months ago he came to know that at the time of marriage of respondent No. 5 with the petitioner, respondent No. 5 was a divorcee, which fact was not disclosed to him.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been turned out of the home by respondents No. 5 to 7 and he has no place to live, as after the petitioner solemnized the marriage with respondent No. 5, petitioner was disowned by his own family as well.

From the pleadings, it emerges that the petitioner is having a matrimonial dispute with his wife and her family and he is not being allowed to live as '*Ghar Jamai*' any more, which has led to the filing of the present petition, wherein the allegation of threat to life & liberty have been made. Nothing has been mentioned in the petition as to how or on what account, the petitioner is apprehending danger to his life and liberty at the hands of private respondents. In the absence of specific averment to the said effect, it can be safely stated that the petitioner has approached this Court seeking the protection to his life and liberty without there being any genuine apprehension to the said effect and the present petition is outcome of matrimonial dispute between the petitioner and respondent No.5.

Further, certain facts needs to be noticed here. At the time of the arguments, which was done through virtual hearing on WebEx software, learned counsel for the petitioner submitted that the petitioner is sitting and weeping in front of him and there is a genuine threat to his life and liberty at the hands of respondents No.5 to 7. Feeling that the Court is not inclined to grant the relief, learned counsel requested for a pass over to get the instructions whether to withdraw the petition or to get an order on merit. On the request of the learned counsel, the case was passed over.

Thereafter, when the case was called for the second time, it was discovered that learned counsel has already left the WebEx meeting and this

Court contacted the learned counsel for the petitioner on his mobile phone through WhatsApp video call. Surprisingly, during the said call, learned counsel stated that he had no contact with his client since last night and, therefore, he should be granted an adjournment. On being pointed out that he had admitted before this Court when the case was taken up for hearing initially that his client is sitting in front of him and crying, learned counsel for the petitioner felt sorry for the said incorrect statement and apologized for the said conduct more than once.

When the Court was going to pass an order on merit, learned counsel again requested that he be given another chance to seek the instructions from his client. Again the request of learned counsel for the petitioner was accepted and when the case was called third time, learned counsel refrained from even picking up the phone so as to argue. This is the conduct of an Officer of the Court, which cannot be appreciated in any manner.

Keeping in view the above, no ground is made out to grant the prayer of the petitioner as raised in the present petition.

Writ petition is dismissed with costs of Rs.25,000/- to be recovered from the petitioner as per law as the Court's time have been wasted more than once during the hearing.

Before the order could be signed, learned counsel for the petitioner again joined the proceedings and tried to explain his conduct. Learned counsel for the petitioner requested that keeping in view the financial status of the petitioner as he is unable to make his both ends meet even for his daily needs, hence, the imposition of costs may kindly be reviewed.

Keeping in view the above, the imposition of costs of Rs.25,000/- is withdrawn.

November 03, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No