

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.2399-2020

Date of Decision: 05.11.2020

Karam Chand

...Petitioner

vs.

Virender Kumar Dahiya and another

...Respondents

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

Present: Mr. Maninder Arora, Advocate for the petitioner.

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 Section 12 of the Contempt of Courts Act, 1971, is for initiating action against the respondent for violation of order Annexure P-4 dated 19.09.2018 in CWP No.18035 of 2018.
3. Learned counsel contends that vide order dated 19.09.2018, CWP No.18035 of 2018 was disposed of by directing the respondents to consider the case of the petitioner afresh after taking into account reply submitted to the show cause notice and to take a decision within four months from the date of receipt of certified copy of the order but despite lapse of aforementioned period of time, needful has not been done, therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971.
4. Issue notice to the respondents to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against them for non-compliance with the orders of this Court dated 19.09.2018 in

5. Mr. Vivek Chauhan, Addl. A.G. Haryana, accepts notice on behalf of the respondents and on instructions from the respondents states that needful could not be done in terms of order dated 19.09.2018 on account of file of the petitioner not being traceable due to creation of two new depots but now file has been traced out and in case more time is granted, needful would be done and decision taken on the claim of the petitioner would be communicated to him.

6. The same satisfies learned counsel for the petitioner, who states that in view of the assurance held out by learned Addl.A.G. Haryana, on instructions from the respondents, he does not press the Contempt Petition at this stage and the same may be disposed of as such while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case so warrant.

7. In view of the statement of learned counsel for the parties, the Contempt Petition is disposed of by directing the respondents to ensure compliance of order dated 19.09.2018 in CWP No.18035 of 2018 within four weeks from today with the decision on the same to be conveyed to the petitioner within one week thereafter. 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

05.11.2020

'PS-Amit

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