

COCp-2519-2020

Date of Decision: 01.12.2020

Bhupinder Singh

...Petitioner

vs.

Vikas Partap and others

...Respondents

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

Present: Mr.Ashok Sehgal, Advocate for the petitioner.

Mr. Aditya Sharda, AAG, Punjab.

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 respondents for willful disobedience of order Annexure P/1 dated 22.11.2019, in CR-3360-2004.

4. Learned counsel contends that vide order dated 22.11.2019, in CR-3360-2004, application for mesne profits was allowed and mesne profits @ Rs.65/- per sq. feet were held to be payable to the petitioner with effect from the date when the eviction had been ordered by the learned Rent Controller, Chandigarh, till the time the demised premises were handed over to the respondent-landlord as mentioned in the reply, with the needful to be done within eight weeks but despite lapse of the aforementioned period of time, needful had not been done till date.

5. Mr. Aditya Sharda, learned AAG, Punjab, on instructions from Er. Shah Gurinder Singh Dhillon, Executive Engineer, Traffic Engineering Cell, Chandigarh, states that decision has been taken to make payment to

the petitioner in terms of order dated 22.11.2019, in CR-3360-2004 and the amount has already been deposited in the Govt. Treasury, Punjab, but the payment has to be transferred to the Govt. Treasury, Chandigarh, for which, some time be granted due to technical problem in transferring the money from Govt. Treasury, Punjab, to Govt. Treasury, Chandigarh.

6. Learned counsel for the petitioner states that in view of the assurance held out by the learned State counsel, he does not press the Contempt Petition and the same may be disposed of as such at this stage, 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. The same is not opposed by learned State counsel.

8. 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 respondent No.1 to transfer payment on account of mesne profit to the Govt. Treasury at Chandigarh, within three weeks from today, under intimation to the learned Rent Controller, UT Chandigarh for action in accordance with law. Needless to mention, 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

01.12.2020

'Rajesh-PS'

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