

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCp-55-2021

Date of Decision: 11.01.2021

Rajinder Singh

...Petitioner

vs.

Seema Jain and others

...Respondents

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

Present: Mr. Bikramjit Singh Randhawa, 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 10 and 12 of the Contempt of Courts Act, 1971, is for initiating proceedings against the respondents for intentional and willful defiance of order Annexure P/1 dated 18.11.2019 in CWP No.33401 of 2019.

3. Learned counsel contends that vide order Annexure P/1 dated 18.11.2019, CWP No.33401 of 2019 was disposed of on the stand of the learned Additional Advocate General, Punjab that the entire record of the Gram Panchayat which had been handed over to the Panchayat Secretary on 15.11.2019 would be entrusted to the petitioner within ten days but needful has not been done till date therefore, the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971 for intentional and willful defiance of order dated 18.11.2019 in CWP No.33401 of 2019.

proceedings under the Contempt of Courts Act, 1971 be not initiated against him for non-compliance with orders dated 18.11.2019 in CWP No.33401 of 2019.

5. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of respondent No.4 and on instructions from respondent No.4 states that the entire record available with respondent No. 4, was handed over to the petitioner on 10.07.2020 under acknowledgment and that no other record is available with respondent No.4 nor did the petitioner submit any representation to respondent No.4 about not having been given complete record. Learned State counsel further states that the petitioner can submit a representation to respondent No.4 and on reconciliation of the record claimed with the record received by the Panchayat Secretary within two weeks, record if any available with the Panchayat Secretary, would be handed over to the petitioner within two weeks thereafter.

6. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the contempt petition at this stage and the same may be disposed of as such with liberty to the petitioner to move a representation before respondent No. 4 for giving details of remaining record as also 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 position as noted above as well as statement of learned counsel for the petitioner, the contempt petition is disposed of as not pressed at this stage with liberty to the petitioner to submit representation to respondent No.4 which would be decided by respondent No. 4 and record, if any, available with the

Panchayat Secretary / respondent No. 4, be handed over to the petitioner within the period of time stipulated above. 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

January 11, 2021
'Rajesh-PS'

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