

COCp-472-2021

Date of Decision: 23.02.2021

Malkiat Singh

...Petitioner

vs.

Krishan Kumar and others

...Respondents

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

Present: Mr. Harinder Sharma, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Learned counsel contends that despite order dated 11.08.2020, in CWP-11687-2020, directing the respondents to consider legal notice dated 30.04.2020 and decide the same by passing a speaking order, within three months from the date of receipt of certified copy of the order, needful has not been 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 11.08.2020, in CWP-11687-2020.
3. Issue notice to the respondents 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 11.08.2020, in CWP-11687-2020.
4. Mr. Aditya Sharda, AAG, Punjab, accepts notice on behalf of the respondents and on instructions from respondent No.3 states that decision could not be taken on the claim made in legal notice dated 30.04.2020, on account of administrative exigencies and situation prevailing

needful would be done and decision would be taken on the claim of the petitioner made in legal notice dated 30.04.2020.

5. The same satisfies learned counsel for the petitioner, who states that in the circumstances, he does not press the Contempt Petition and the same may be disposed of as such at this stage with direction to the respondents to adhere to the assurance held out by respondent No.3 through AAG, Punjab, and to decide the legal notice within a stipulated period of time while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case, so warrant.

6. Accordingly, in view of the position as noted above as well as statement of learned counsel for the parties, the Contempt Petition is disposed of as not pressed at this stage while directing the respondents to adhere to the assurance held out by respondent No.3 through learned AAG, Punjab and to decide the claim made in legal notice dated 30.04.2020, within four weeks from today. 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. However, in the eventuality of an application for revival of the Contempt Petition being moved on account of non-decision of the claim of the petitioner within the stipulated period of time, serious view of the matter would be taken.

(B.S. Walia)
Judge

23.02.2021
'Rajesh'

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