

COCp-475-2021 (O&M)

Date of Decision: 08.03.2021.

Gurdev Singh

...Petitioner

vs.

Raj Kumar Bali

...Respondent

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

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

Mr. Karan Kumar Jund, Advocate for the respondent.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition is for initiating action against the respondent for intentional and willful defiance of order dated 03.12.2020, in CWP-14703-2020 for not complying with the direction to consider the claim of the petitioner for renewal / issuance of passport in accordance with law.
3. Learned counsel contends that pursuant to order dated 03.12.2020, in CWP-14703-2020, passport was issued to the petitioner on 23.02.2021 and in the circumstances, the petitioner does not wish to pursue the Contempt Petition.
4. Per contra, learned counsel for the respondent contends that directions in order dated 03.12.2020, were to consider the case of the petitioner for renewal / issuance of passport, in accordance with law and the passport was issued to the petitioner shortly on completion of formalities by the petitioner and in the circumstances, there is neither intentional nor willful defiance of order dated 03.12.2020, in CWP-14703-2020.

5. I have considered the submission of learned counsel for the parties.

6. Admittedly, direction to the respondent was to consider the case of the petitioner for renewal/issuance of passport, in accordance with law. Certain formalities were required to be completed by the petitioner before his claim for renewal / issuance of passport could be considered and as has been informed by the learned counsel for the parties, passport was issued by the respondent on completion of formalities by the petitioner, therefore, to my mind, there is neither intentional nor willful defiance of order dated 03.12.2020, in CWP-14703-2020.

7. In view of the position as noted above, no circumstances exist warranting action under the Contempt of Courts Act, 1971. Accordingly, rule is discharged and the petition for initiating action under the Contempt of Courts Act, 1971 dismissed.

(B.S. Walia)
Judge

08.03.2021.
'Rajesh'

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