

COCp-770-2021

Date of Decision: 27.09.2021

Rajbala

...Petitioner

vs.

J. Ganeshan

...Respondent

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

Present: Mr. Vishwajeet, Advocate for the petitioner.
Mr. Sandeep Singh Mann, Addl. AG, Haryana.

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 under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India, 1950 is for initiating action against the respondent for intentional and willful defiance of order Annexure P-1 dated 02.09.2019 in CWP No.23893 of 2019 on account of not passing an order on the claim of the petitioner within two months from the date of receipt of certified copy of the order as well as not paying costs of Rs.25,000/-.
3. Learned counsel contends that pursuant to the filing of the contempt petition, the respondent has passed order dated 24.09.2021 rejecting the claim of the petitioner made in the legal notice dated 01.04.2019, therefore, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of by granting liberty to the petitioner to challenge order dated 24.09.2021 by way of appropriate proceedings in accordance with law while directing the respondent to make payment of Rs.25,000/- to the petitioner in terms of order dated 02.09.2019.

order of Hon'ble the Writ Court dated 02.09.2019 in CWP No.23893 of 2019, vis-à-vis payment of costs of Rs.25,000/- to the petitioner in the absence of passing of order within the stipulated period of time, shall be complied with and payment shall be made by the respondent in terms of order dated 02.09.2019 in CWP No.23893 of 2019 within four weeks from today.

5. Accordingly, in view of the position noted above as well as the statement of learned counsel for the parties, the contempt petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971 while granting liberty to the petitioner to challenge order dated 24.09.2021 by way of appropriate proceedings in accordance with law as also by directing the respondent to make payment of costs of Rs.25,000/- in terms of order dated 02.09.20219 in CWP No.23893 of 2019 within four weeks from today failing which the petitioner is at liberty to move an application for revival of the Contempt Petition. In case any such application is moved, a serious view would be taken in the matter.

(B.S. Walia)
Judge

27.09.2021

ps

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