

Nimriwali Coop.Labour and Construction
Society Ltd.

.... Petitioner

Versus

Sanjay Yadav

.... Respondent

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

Present : Mr. Raman B. Garg, Advocate for the petitioner.
Mr. Chetanya Nischal Manchanda, Advocate for
Mr. Jagdish Manchanda, Advocate,
for the respondent.

B.S. Walia, J. (Oral)

1. Prayer in the petition is for initiating action against the respondent for intentional and willful defiance of order Annexure P/1 dated 31.03.2021.

2. Learned counsel contends that vide order Annexure P/1 dated 31.03.2021, CWP No.7312 of 2021, was disposed of. Operative part of the order is reproduced as under:-

“In view of the above and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the writ petition with a direction to respondent No.3 to examine the claim of the petitioner against the backdrop of legal notice dated 12.11.2020 (Annexure P-3) and to take a final decision thereupon expeditiously and in any case within a period of two months from the date of receipt of a certified copy of this order.

Needless to mention that if certain amounts are found due to the petitioner-society, the same shall be released without any further delay.

Disposed of.”

3. Learned counsel contends that after the filing of the instant petition, the respondents have released a sum of Rs.1,22,73,113/- by way of cheque No.034909 dated 26.07.2021 though without interest despite the same having been claimed. Learned Counsel contends that in the circumstances the petitioner is not interested in pursuing the contempt petition and the same may be disposed of as such while granting liberty to the petitioner to take out appropriate proceedings in respect of claim for interest on the amount released to the petitioner.

4. The same is not opposed to by the learned counsel for the respondent.

5. In view of the statement of learned counsel for the petitioner, the instant petition is disposed of as not calling for any action under the Contempt of Courts Act, 1971, against the respondent, while granting liberty to the petitioner to take out appropriate proceedings in accordance with law qua his grievance with regard to non-payment of interest.

(B.S. Walia)
Judge

20.09.2021

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Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No.