

COC-1686-2020

Date of Decision: 18.01.2021

Swaran Lata Saini

...Petitioner

vs.

Pankaj Yadav and others

...Respondents

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

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

Mr. Deepak Sabherwal, Advocate for respondent Nos.1 and 2.

Mr. Anuj Raura, Advocate for respondent No.3.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Reply has been filed on behalf of respondent Nos.1 and 2. The same is taken on record.

3. Learned counsel for the petitioner states that in terms of paragraph No.32 of judgment dated 19.12.2019, passed by the learned Addl. District Judge, Panchkula, respondent / defendant No.3 is to make necessary improvement for strengthening of the common wall while respondent / defendant Nos.1 and 2 have to supervise the said work but despite lapse of sufficient period of time, needful has not been done in intentional and willful defiance of judgment dated 19.12.2019, passed by the learned Addl. District Judge, Panchkula therefore the respondents are liable to be proceeded against under the Contempt of Courts Act, 1971.

4. Per contra learned Counsel for respondent / defendant No. 3 contends that despite repeated representations, respondent Nos.1 and 2, have not

wall and in case respondent / defendant Nos.1 and 2 depute an official to supervise the strengthening of the common wall on any given date, needful in terms of judgment dated 19.12.2019, passed by the learned Addl. District Judge, Panchkula would be done.

5. Learned counsel for respondent / defendant Nos.1 and 2 on instructions from respondent / defendant Nos.1 and 2 states that a Junior Engineer of the department would be present at the site at 9 AM on 27.01.2021, for supervision of strengthening of the common wall as well as for ensuring proper construction of the wall.

6. Learned counsel for respondent / defendant No.3 on instructions from respondent / defendant No.3 states that in view of the assurance held out by learned counsel for respondent / defendant Nos.1 and 2, requisite work force would be present at the site at 9 AM on 27.01.2021 along with the material and equipment required, for construction of the wall on day to day basis, under the supervision of a Junior Engineer of respondent / defendant Nos. 1 & 2.

7. 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 not pressed at this stage while directing respondent / defendant Nos.1 to 3 to adhere to the assurance held out by them through their respective counsel and get the needful done expeditiously while granting liberty to the petitioner to move an application for revival of the Contempt Petition, if the circumstances of the case, so warrant.

8. Accordingly, in the light of the position as noted above as also statement of learned counsel for the parties, the Contempt Petition is

disposed of as not pressed at this stage while directing respondent / defendant Nos. 1 & 2 to depute a Junior Engineer to supervise construction work for strengthening of the common wall while respondent / defendant No.3 shall ensure presence of the necessary work force along with requisite material and equipment at the site at 9 AM on 27.01.2021 onwards till completion of the task as referred to above to be completed within 30 days from 27.01.2021. 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

18.01.2021

'Rajesh-PS'

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