

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCN No.2326 of 2021

Date of decision: 9th November, 2021

Rakesh Kumar Jakhar

... Petitioner

Versus

Geeta Bharti & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Pardeep Solath, Advocate for the petitioner.

FATEH DEEP SINGH, J.

The present petitioner Rakesh Kumar Jakhar along with his co-petitioner Azad Singh had filed a civil writ petition under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari, mandamus or any other writ seeking quashment of the impugned public notice dated 03.08.2021 issued by the Jhajjar Central Cooperative Bank Ltd., Jhajjar whereby Zonal Committees were constituted for the election to the Board of Directors of the Jhajjar Central Cooperative Bank Ltd., being contrary to the law. It was during the course of proceedings, on 08.10.2021 learned counsel for the respondent No.3 Zonal Committee for Election of the Board of Directors made a statement before this Court which is recorded in orders dated 08.10.2021 (Annexure P1) and is reproduced as below to law emphasis:-

*“Learned counsel representing respondent
No.3, on instructions from Registrar Co-operative*

Societies has apprised the Court that as on today, no final decision for conducting the elections of Jhajjar Central Co-operative Bank Limited, Jhajjar has been taken.”

It is subsequent thereto, the present petitioner filed instant petition under Section 12 of the Contempt of Courts Act, 1971 (in short, ‘the Act’) against the respondents for willfully disobeying and neglecting order dated 08.10.2021 whereby process for elections was set into motion, and hence claimed that there has been disobedience of the orders of the Court and statement made before it, necessitates initiation of contempt proceedings.

Upon hearing learned counsel for the petitioner Mr.Pardeep Solath, Advocate and perusal of the records. The definition of ‘Contempt of Court’ as enunciated under the Act falls broadly into two categories ‘Civil Contempt’ and ‘Criminal Contempt’. ‘Civil Contempt’ as per the definition assigned under Section 2(b) of the Act means willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court. The primary grouse of the petitioner is breach of an undertaking made before this Court which is reflected in the orders dated 08.10.2021 (Annexure P1).

On perusal of the records shows that the counsel for the then respondent No.3 has apprised the Court that on the date when he made the statement in Court no final decision for conducting the elections of the Bank had been taken and it is nowhere elicited that no elections are

going to be held. It was at that point of time no formal decision was taken by the then respondents as to holding of elections to the Bank. It was subsequent thereto at that point of time, it was decided to hold elections on 28.11.2021 and therefore the respondents cannot be attributed any deliberate mis-statement or undermining the sanctity of this Court by this wilful disobedience. Rather what could one perceive that there are bickerings and wranglings within the different sets of politically aligned persons in the area who are out-and-out to take revenge and vengeance. To the specific query of the Court how there is wilful disobedience by the respondents to the Court, is not at all elaborated from the order which forms the very axis on which the petitioner has tried to revolve his case. This Court does not feel inclined to show indulgence. The contempt petition as such being meritless stands dismissed.

(FATEH DEEP SINGH)
JUDGE

November 9, 2021

rps

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