

220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CACP-6-2016 (O&M)

Date of Decision:09.11.2022.

Harvinder Singh

.....Appellant

Versus

Jasmail Kaur and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. M.L. Sagar, Sr. Advocate with
Mr. Rohit Joshi, Advocate
for the appellant.

Mr. Amit Jain, Sr. Advocate with
Mr. Chetan Slathia, Advocate
for respondents No.1 to 4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This appeal has been preferred against the order dated 12.01.2016 passed by the learned Single Judge in a contempt petition where the appellant has been found guilty of having committed contempt of Court by making false representation before the Revenue Authority with an intent to obtain a favourable order by stating that stay has been granted on an application moved by him in the Regular Second Appeal No.3396 of 2010 titled as 'Kunda Singh and others Vs. Jasmail Kaur and others'. The Court had proceeded to convict him to suffer an imprisonment of three months and to pay a fine of Rs. 2000/- and in the absence of payment of fine to undergo imprisonment for another one month.

In the appeal which was preferred by the appellant against the said order, this Court had proceeded to order on 10.02.2016 to seek the order dated 12.01.2016 passed by the learned Single Judge in abeyance.

One of the plea which has been taken in the present appeal is that the contempt petition was not maintainable being beyond a period of one year from the date of commission of the contempt. According to the appellant, the date of alleged commission of contempt is 04.11.2010 whereas the contempt petition has been preferred and filed on 23.09.2012 which being beyond the period of one year would not be maintainable in the light of Section 20 of the Contempt of Courts Act, 1971. It has been pointed out by the counsel for the parties that during the interregnum there has been a compromise between the parties dated 05.01.2021 (Annexure P-6) which has been placed on record along with judgment passed in pursuance of the said compromise deed in RSA No.3396 of 2010 dated 09.04.2011 (Annexure P-4) in CM No.5636-CII of 2021 which was allowed on 27.07.2022. It is also been stated that the compromise has been given effect to as the demand draft of Rs.44 lacs which was handed over to the counsel for the contesting respondents, which has also been encashed.

Counsel for the respondents has also very fairly stated that he would not insist upon the punishment as has been imposed upon the appellant in the light of the resolution of the dispute between the parties who are close relatives to bring a quietus to the whole episode.

Having considered the submissions made by the counsel for the parties and the subsequent development which has taken place apart from the fact that the contempt petition itself was not maintainable in the light of the Section 20 of the Contempt of Court Act 1971 as the same has been preferred beyond the period of one year from the date of alleged contempt be set aside. We accept the

present appeal by setting aside the order dated 12.01.2016 passed by the learned

Single Judge.

The appeal is allowed in above terms.

(AUGUSTINE GEORGE MASIH)
JUDGE

09.11.2022
rekha sharma

(VIKRAM AGGARWAL)
JUDGE

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