

Kamlesh Chander Mahajan and another**....Petitioners****VS****Pardeep Kumar Mehta****....Respondent****CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present:- Mr. Sanjay Majithia, Sr. Advocate with
Mr. Vinay Gaur, Advocate for the petitioners

SUDHIR MITTAL, J. (Oral)

This petition has been filed for a direction to the respondent to get his cross-examination recorded on the date fixed i.e. 28.02.2022 as cross-examination has not been conducted despite 14 dates having gone by. The respondent misbehaved before the Court and, thus, his cross-examination is being deferred from the date to date. Reference has been made to communication dated 23.09.2019 sent by the trial Judge to this Court whereby reference under Section 12 of the Contempt of Courts Act, 1971 has been made. Based thereon it has been submitted that this Court has taken cognizance and has issued notice.

Under Article 227 of the Constitution of India this Court exercises jurisdiction of superintendence over Courts and Tribunals within its jurisdiction. The actions of the trial Court are not being complained against and a direction is being sought to the respondent-defendant to get his cross-examination recorded. No such direction can be issued in exercise of jurisdiction under Article 227 of the Constitution of India. For his contumacious conduct he shall be punished by the appropriate Court, if the allegations are found to be correct.

The revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

24.02.2022*reena*

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No