

[148] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.545 of 2022
Date of Decision : 23.03.2022

Bimla ...Petitioner

Versus

Rahul Chahal EE, PWD (B&R), NHAI, Jind
and othersRespondents

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

Present : Mr. Vijay Jindal, Senior Advocate *assisted by*
Mr. Samar Ahluwalia, Advocate
for the petitioner.

B.S. Walia, J. (Oral)

[1] Prayer in the petition under Section 12 of the Contempt of Courts Act, 1971 is for initiating proceedings against the respondents for intentional and willful defiance of order (Annexure P-1) dated 17.01.2020 passed by the Court of Ms. Shivani Rana, Civil Judge (Junior Division), Jind and for not honouring the undertaking (Annexure P-5) dated 17.01.2020 recorded before the learned trial Court in Civil Suit No.996 of 2019 in case titled as 'Bimla Devi versus Union of India'.

[2] A perusal of order (Annexure P-1) reveals that counsel for the defendants had made a statement that they would not demolish the construction of the plaintiff nor cut the trees standing on the ground till payment of compensation to the plaintiff and that they would be bound by their statement made in Court, whereupon the case was adjourned to 28.02.2020 for filing POA, written statement as well as reply to stay

[3] Grievance of the petitioner in the instant petition is that despite the aforementioned assurance / undertaking as is evident from order (Annexure P-1), the respondents have in intentional and willful defiance of the said assurance given before the learned Civil Judge (Junior Division), Jind in Civil Suit No.996 of 2019 in case titled as 'Bimla Dev versus Union of India' cut the trees as well as demolished the building.

[4] Learned counsel contends that despite an application having been filed before the learned Civil Judge (Junior Division), Jind for early hearing of the case while bringing the violation committed by the respondents to the notice of the learned trial Court, no decision has been taken on the same.

[5] After hearing learned counsel for the petitioner and without commenting on the maintainability of the instant petition in the light of Rule 9(c) Chapter 7 Part 'H' Vol. V of Punjab and Haryana High Court Rules and Orders, I am of the considered view that the instant petition can be disposed of by relegating the petitioner to pursue application (Annexure P-10) dated 04.03.2022 before the learned Civil Judge (Junior Division), Jind for a decision in respect thereto in accordance with law.

[6] At this stage, learned counsel for the petitioner prays for permission to file a comprehensive application before the learned Civil Judge (Junior Division), Jind and directions being issued to the learned Civil Judge (Junior Division), Jind to consider and decide the same, in a time bound manner.

[7] In view of the prayer made by learned Senior Counsel assisted by Mr. Samar Ahluwalia, Advocate, while disposing of the contempt petition as above, liberty is granted to the petitioner to file a comprehensive application before the learned Civil Judge (Junior Division), Jind within 01 week from date of receipt of certified copy of order. In case any such application for early hearing is received by the learned Civil Judge (Junior Division), Jind within the stipulated period, the same shall be considered and decided in accordance with law.

(B.S. Walia)
Judge

23.03.2022
'Rajneesh'

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