

COCP-1863-2021

Date of Decision : 31.01.2022

Varinder Sharma

...Petitioner

versus

Sh. Dainder Kumar and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Ashok Kumar, Advocate for
Mr. Naresh Chander, Advocate for the petitioner.

Mr. Birinder Pal, Advocate for MC.

B.S. Walia, J. (VC)

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

2. Prayer in the petition is for initiating proceedings against the respondents for intentional and willful defiance of order, Annexure P/1 dated 07.06.2021, in CWP-10615-2021.

3. Learned counsel contends that the petitioner had filed CWP-10615-2021, for directing the learned Civil Judge (Senior Division), Mukerian, Hoshiarpur, to decide Civil Suit No.CS-450-2020, titled as Varinder Sharma vs. Municipal Committee, expeditiously and in a time bound manner and while issuing notice of motion in the aforementioned writ petition for 08.10.2021, the learned Civil Judge (Junior Division), Mukerian, was directed to decide the application under Order 39 Rules 1 and 2 of CPC, expeditiously, preferably within four months from the next date fixed before the learned trial Court and in the meantime,

4. Learned counsel contends that pursuant to order Annexure P/1 dated 07.06.2021, the learned Civil Judge (Junior Division), Mukerian, decided the application under Order 39 Rules 1 and 2 CPC, vide order dated 31.08.2021, by directing the parties to maintain status quo. Learned counsel contends that in the circumstances, the petitioner is not interested in pursuing the contempt petition and may be permitted to withdraw the same with liberty to take out appropriate proceedings if the circumstances of the case so warrant, before the learned trial Court, in accordance with law.

5. Accordingly, in the light of the position noted above as well as statement of learned counsel for the petitioner, no action under the Contempt of Courts Act, 1971, is called for against the respondents. The contempt petition is disposed of as such while granting liberty to the petitioner to take out appropriate proceedings in accordance with law, before the learned trial Court, if the circumstances of the case so warrant vis-à-vis order dated 31.08.2021 passed by the learned Civil Judge (Junior Division), Mukerian, on the application under Order 39 Rules 1 and 2 CPC.

(B.S. Walia)
Judge

31.01.2022
rajesh

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