

[218]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCF No.1875 of 2021
Date of Decision : 03.02.2022

Ashok Kumar

...Petitioner

versus

Sukhjit Pal Singh

....Respondent

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

Present : Mr. Harinder Sharma, Advocate
for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

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 under Section 12 of the Contempt of Courts Act, 1971 is for initiating proceedings against the respondent for intentional and willful defiance of order (Annexure P/1) dated 26.05.2021 in CWP No.10242 of 2021 in case titled as 'Ashok Kumar versus State of Punjab and others'.

[3] A perusal of order (Annexure P-1) dated 26.05.2021 reveals that CWP No.10242 of 2021 was disposed of by directing the respondent to decide the claim made in the legal notice dated 15.03.2021 by passing a speaking order within a period of 02 months from the date of receipt of certified copy of the order.

[4] Learned Counsel contends that during the pendency of the instant petition, the respondent has passed order dated 01.11.2021 and the petitioner has challenged the said order by way of CWP No. 25850 of 2021, therefore, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of, as such.

[5] Learned State Counsel on the other hand contends that in view of orders dated 01.11.2021 having been passed by the respondent, deciding the legal notice dated 15.03.2021 in terms of order dated 26.05.2021 in CWP No.10242 of 2021, no action under the Contempt of Courts Act, 1971 is called for against the respondent, especially in view of the fact that order could not be passed earlier within the stipulated period of time due to prevalence of the pandemic and the circumstances prevailing on account thereof.

[6] I have considered the submission of learned counsel for the parties.

[7] Admittedly, order dated 01.11.2021 has been passed in terms of order dated 26.05.2021 in CWP No.10242 of 2021 though beyond the stipulated period of time. However, taking into account the submission of learned State Counsel that the order could not be passed within the stipulated period of time on account of circumstances prevailing on account of Corona Virus Pandemic and taking into account the fact that orders dated 26.05.2021 have been complied with and the order passed on the claim made in legal notice dated 15.03.2021 has already been challenged by the petitioner by way of CWP No.25850 of 2021, no action under the Contempt of Courts Act, 1971 is called for against

the respondent.

[8] Contempt petition *disposed of* accordingly.

[9] *Rule discharged.*

(B.S. Walia)
Judge

03.02.2022
'Rajneesh'

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