

COCP-2586-2021

Date of Decision : 02.02.2022

Deepak Yadav

...Petitioner

Versus

Isha Kamboj

....Respondent

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

Present : Mr. Neeraj Gupta, Advocate for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

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 Sections 10 read with 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 17.08.2021, in CWP-15709-2021.
3. Learned Counsel contents that CWP-15709-2021 was disposed of vide order Annexure P/1 dated 17.08.2021, by directing the respondent to consider and decide the representation submitted by the petitioner within two months from the date of receipt of certified copy of the order and that on failure of the respondent to do the needful within the stipulated period of time, the instant petition was filed but after the filing of the instant petition, the representation has been decided vide order dated 10.12.2021 in terms of order dated 17.08.2021, in CWP-15709-2021 and that although the decision was not taken within the stipulated period of time, yet in view of the representation having

been decided, the petitioner is not interested in pursuing the contempt petition and the same may be disposed of as such while granting liberty to the petitioner to challenge order dated 10.12.2021, by way of appropriate proceedings in accordance with law.

4. Affidavit filed on behalf of respondent along with order dated 10.12.2021 is taken on record. Learned DAG states that in view of decision having been taken on the representation submitted by the petitioner, no action under the Contempt of Courts Act, 1971, be taken in the matter against the respondent especially in view of the circumstances prevailing on account of Corona Virus pandemic and consequential inability to pass orders prior to 10.12.2021.

5. I have considered the submissions of learned counsel for the parties.

6. Admittedly decision dated 10.12.2021, has been taken on the representation submitted by the petitioner though beyond the stipulated period of time. However, in view 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 respondent. Accordingly, the contempt petition is disposed of as such while granting liberty to the petitioner to challenge order dated 10.12.2021, by way of appropriate proceedings in accordance with law.

7. Rule discharged.

(B.S. Walia)
Judge

02.02.2022

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