

2023:PHHC:159257

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CM-22526-CII-2015 in/and
COCP-1284-2014 (O & M)
Date of decision: 12.12.2023**

PRITAM SINGH

...Petitioner

Versus

RESHAM SINGH

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Rajwinder Kaur, Advocate for
Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

Mr. Rajveer Singh Brar, Advocate for
Mr. B.S.Bhalla, Advocate,
for the respondent.

RAJBIR SEHRAWAT, J. (Oral)

1. This is a contempt petition filed under Section 10 and 12 of the Contempt of Courts Act, for punishing the respondent for not acting upon his statement dated 12.06.2012 made in civil suit No.128/27.08.2013.

2. Perusal of the record shows that the present contempt petition has been filed on account of the respondent resiling from a statement made by him before the trial Court in the civil suit, in which he had acknowledged the agreement to sell in favour of the petitioner, and had also agreed to execute the sale deed. On the strength of the said statement, the civil suit was withdrawn by the petitioner. However later on, the respondent had not got the sale deed executed.

3. No doubt, the order passed by the trial Court also shows that the respondent, who was the defendant before the trial Court, shall remain bound by the statement made by him, therefore, the respondent might be liable to be proceeded against in the contempt proceedings. However, that

is not going to confer any benefit upon the petitioner, who happens to be plaintiff in the civil suit. The better course for the petitioner was that he should have got his suit revived on account of default of the respondent in honouring his statement.

4. Counsel for the petitioner has informed the Court that said civil suit has, in fact, been revived. However, that suit is not proceeding further because of some orders passed by this Court in contempt proceedings. But as observed above, it would not be appropriate to proceed further in the contempt petition, rather, it would be more appropriate and beneficial for the petitioner, if he is granted permission to continue with his suit and to claim the appropriate relief before the trial Court.

5. In view of the above, the present petition is dismissed.

6. However, the petitioner shall be at liberty to pursue his civil suit against the respondent, which is stated to have been revived by the trial Court and is pending adjudication before the said Court.

7. Pending application, if any, also stands disposed of.

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8. This is an application under Order 1 Rule 10 read with Section 151 CPC for impleading applicant-Sukhdev Singh as respondent No.2 in the present petition.

9. Since the main petition has been dismissed, therefore, the present application is also dismissed.

12.12.2023

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No