

311 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-162 of 1993(O&M)
Date of Decision: 08.08.2023

Haryana State Elect. Board & Ors.

...Appellants

Versus

Jindal Steel Strips Ltd.

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Pardeep Singh Poonia, Advocate with
Mr. Pulkit Dhanda, Advocate
For the appellants.

Mr. Rose Gupta, Advocate and
Ms. Garima Modi, Advocate
For respondents.

KARAMJIT SINGH, J.

1. The Appellant Board has filed this appeal against the order dated 12.08.1992 passed by the Court of learned District Judge, Hisar wherein adverse remarks were recorded against the appellant Board and its officials by the said Court while deciding a matter relating to an application filed by respondent under Order 39 Rule 2-A CPC.

2. The counsel for the appellant has submitted that appellant Board had already complied with the directions given by the learned District Judge, Hisar with regard to restoration of power connection of the respondent but still an application was filed by the respondent alleging that the appellant committed contempt of Court and while disposing of the said matter the Court concerned recorded certain adverse remarks against the appellant Board and its employees, which are uncalled for and require to be expunged.

3. It is further submitted that the appellant Board being aggrieved by the recording of adverse remarks has filed this appeal with prayer that the said adverse remarks be expunged.

4. The counsel appearing on behalf of the respondent while resisting the appeal has submitted that there is no illegality in the impugned order passed by the learned District Judge, Hisar. However, he has not disputed the fact that the directions issued by the Court concerned were already complied with by the appellant and its officials.

5. I have considered the submissions made by counsel for the parties.

6. The appellant being aggrieved by the adverse remarks recorded in its order by the learned District Judge, Hisar, has filed the present appeal. It is apparent that the said adverse remarks were recorded by the Court concerned without giving any opportunity of hearing to the appellant Board or its employees against whom the said remarks were recorded. It is settled position of law that no one can be condemned unheard. In this regard reference is made to [State of Bihar vs. Lal Krishna Advani & Others](#), (2003) 8 SCC 361 wherein it was observed by Apex Court that strictures cannot be passed against an individual without making him a party and without giving an opportunity to be heard since the right to reputation is an individual's fundamental right.

7. For the aforesaid reasons, this Court is of the view that the observations/strictures and remarks, if any, made by the learned District Judge, Hisar against the appellant Board and its employee behind their back is totally uncalled for and not warranted. Therefore, this Court has no

hesitation to order expunction of the remarks made in the impugned order.

The civil appeal is allowed only to the above extent.

8. Pending applications, if any, stands disposed of accordingly.

(KARAMJIT SINGH)
JUDGE

08.08.2023

Jiten

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