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

*Neutral Citation No. 2023:PHHC:086208-DB*

**CROCP-8-2017**

**Decided on: 10.07.2023**

Court on its own motion

Versus

Tilak Raj s/o Late Ram Lal, R/o 37, Sudarshan Nagar, Sultanwind Road, Amritsar & others

……Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**
**HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Respondent Nos.1 & 3-Tilak Raj and Pardeep Kumar, in-person.

*****

**G.S. Sandhawalia, J.**

1. The present criminal contempt was initiated by this Court on the reference made by the learned Single Judge vide order dated 29.08.2017 on the ground that the respondents herein had prima facie tried to scandalize the Court by using derogatory words in the pleadings and had caused aspirations which had come within the meaning of Criminal Contempt of Court. Vide order dated 29.08.2017, the Registrar (Judicial) was directed to issue contempt of Court notice and the matter was accordingly put up before the Co-ordinate Bench. Notice was thus issued to the respondents vide order dated 11.09.2017 and they were directed to remain present in the Court.

2. It is pertinent to notice that the respondents are closely related as respondent Nos.2 & 3, Rajiv Kumar & Pradeep Kumar are sons of respondent No.1, Tilak Raj. Directions were issued on 17.05.2018 and the contemnors came present in the Court with the prayer that they be released on bail to the satisfaction of CJM/Duty Magistrate, Amritsar on furnishing of personal bond in the sum of Rs.10,000/- each with one surety in the like amount. Vide order dated 27.08.2018, it was noticed that Tilak Raj had not submitted papers regarding properties and furnishing of bail bonds and

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order

surety and therefore they were directed to appear on the next date of hearing.

3. Pardeep Kumar-respondent No.3 time and again tried to argue before the Co-ordinate Bench to justify the earlier conduct and resultantly, he was also impleaded as party. Resultantly, the Co-ordinate Bench also issued contempt notice to him as he was reiterating contemptuous allegations which were raised before the learned Single Judge and charge had been framed on 15.10.2018 against him.

4. Vide order dated 22.01.2019 Mr.Kanwal Goyal, Advocate had also been appointed as Amicus Curiae to assist the Court. Vide order dated 27.05.2019, a formal charge had also been framed against Tilak Raj and Rajiv Kumar regarding the derogatory words mentioned in para Nos.2, 3 & 4 of CM-12436-CII-2017 instituted by them in CR-5111-2015 by noting that it was having an effect of scandalizing and lowering the authority of the Court and also amounts to interference in due course of administration of justice. On 08.02.2023, the Co-ordinate Bench found that the contemnors were not present and accordingly, bailable warrants were issued to secure their presence. On not appearing, non-bailable warrants were issued to the said respondents.

5. Today, Pardeep Kumar and his father, Tilak Raj are present, in pursuance of the earlier proceedings. Pardeep Kumar has given the following statement:

> "Statement of Pardeep Kumar son of Sh.Tilak Raj, age 58 years, R/o 169/563, New Golden Avenue, Amritsar
>
> ****
>
> I have given a hand written affidavit today wherein I have apologized and stated that whatever had happened was never done with bad intention and was never willful. The application I had filed before the learned Single Judge was also drafted by my

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order

own self. Though, I am educated and have done B.Sc., but it was never my intention to fall afoul to the Court or scandalize the Court in any manner. My father who is aged 90 years, has accompanied me and is also present inspite of the heavy rain prevailing and the Members of the Bar are also refraining to appear. We still have come present in view of the earlier order passed. My father has been counseled by the Court also and he has also advised me to file the said affidavit.

I undertake not to file any such pleadings which would be scandalous in nature and would cause any harm to any Court. Whatever I had done was on account of the fact that I have been firstly involved with the litigation. I also apologize on behalf of my brother who is now working at Meerut.

The proceedings which have been initiated against me and my family members may be dropped.

Sd/-

RO&AC"

6. From the above sequence of events, it would be clear that Tilak Raj who is present in Court is around 90 years of age and the matter came up before the learned Single Judge in September, 2015. The issue was regarding suit for specific performance which was decreed by the Trial Court against him. The matter had been upheld before the Lower Appellate Court and even the Regular Second Appeal had been dismissed by the learned Single Judge of this Court. In execution, the sale deed was executed through the process of the Court and objections had been filed that the No Objection Certificate had not been taken which could be obtained only by the owner of the property and therefore challenge had been raised to the sale deed that it was a result of fraud and collusion. The said objections had been dismissed by the learned Single Judge on merits on 24.12.2015 and thereafter, review petition was filed, accompanying with the application for condonation of delay which was also dismissed on 22.10.2016.

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order

7. CM-12436-CII-2017 in CR-5111-2015 which was an inappropriately drafted application wherein aspirations were raised against the learned Single Judge regarding the application of mind and reasons which had led to dismissal of the review application. Learned Single Judge noticed that the applicant intended to get a certificate to file an appeal before the Apex Court under Article 134 but had made the scandalous and derogatory pleadings in the CM application and resultantly, came to the conclusion that without challenging the said decision before the appropriate forum, the application had been filed. The same was dismissed by imposing costs of Rs.1 lakh to be deposited with the High Court Legal Service Authority failing which the same was to be recovered as an arrear of land revenue.

8. As already noted above, Pardeep Kumar has apologized and had filed a written undertaking which has been reproduced above. His father is already present in Court who is aged 90 years and has apparently nothing to do with the said exercise as it is the son who is creating difficult situation on account of his ignorance as to how pleading have to be presented in the Court and what is the correct way of representing a case before the competent Court of law. He had been asked to even submit bail bonds and even appear before the CJM and even before this Court on various occasions. Non-bailable warrants had already been issued to them which has caused serious apprehensions to them and also disturbed the mental peace and they are appearing before the Court since 2015. A sum of Rs.1 lakh has also been ordered to be recovered from them by way of fine by the learned Single Judge.

9. In such circumstances, keeping in view the apology which has been tendered, we are of the considered opinion that this Court has to

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order

show grace to the apology which has now been tendered by way of a written affidavit and also by the statement made, reproduced above. In such circumstances, we deem it appropriate to drop the proceedings and not go into the same especially keeping in view the fact that Tilak Raj himself is over 90 years of age and detention would not serve the ends of justice whereas the other son, Rajiv Kumar was not intentionally involved. It is only at the instance of Pardeep Kumar who is partly educated and is unaware of the niceties of pleadings and continues to furnish affidavits and undertakings by way of applications which are not drafted in the right manner. Apparently this exercise should have been left to the trained legal minds which had also been given to them which however they have not resorted to which has led to this unpleasant situation.

10. Thus, keeping in view the above, we drop the proceedings on account of the fact that the undertaking has been given that they would not file such affidavits which would cause harm to any Court. Secondly the respondents have already lost the litigation and the decree holder has managed to secure his sale deed which is the subject matter of dispute out of which the contempt proceedings have arisen and have also been fined Rs.1 lakh.

11. The present criminal contempt petition is disposed of, in the above facts.

**(G.S. SANDHAWALIA)**
**JUDGE**

**(HARPREET KAUR JEEWAN)**
**JUDGE**

**10.07.2023**
*sailesh*

| | | |
|---|---|---|
| Whether speaking/reasoned | Yes | |
| Whether Reportable : | | No |

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order

**208 CROCP-8 -2017**

**Court on its own motion Vs. Tilak Raj & Rajiv Kumar, R/o 37, Sudarshan Nagar, Sultanwind Road, Amritsar**

Statement of Pardeep Kumar son of Sh.Tilak Raj, age 58 years, R/o 169/563, New Golden Avenue, Amritsar

****

I have given a hand written affidavit today wherein I have apologized and stated that whatever had happened was never done with bad intention and was never willful. The application I had filed before the learned Single Judge was also drafted by my own self. Though, I am educated and have done B.Sc., but it was never my intention to fall afoul to the Court or scandalize the Court in any manner. My father who is aged 90 years, has accompanied me and is also present inspite of the heavy rain prevailing and the Members of the Bar are also refraining to appear. We still have come present in view of the earlier order passed. My father has been counseled by the Court also and he has also advised me to file the said affidavit.

I undertake not to file any such pleadings which would be scandalous in nature and would cause any harm to any Court. Whatever I had done was on account of the fact that I have been firstly involved with the litigation. I also apologize on behalf of my brother who is now working at Meerut.

The proceedings which have been initiated against me and my family members may be dropped.

RO&AC

**(G.S. SANDHAWALIA)**
**JUDGE**

**(HARPREET KAUR JEEWAN)**
**JUDGE**

**July 10, 2023**
*Sailesh*

SAILESH RANJAN
2023.07.13 10:56
I attest to the integrity/authenticity
of this document/order