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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-2232-2023 (O&M)

Date of Decision: 20.11.2023

BANK OF MAHARASHTRA

.....Petitioner

V/s.

**VINOD KUMAR, TEHSILDAR, OFFICE OF TEHSILDAR ZIRA,
DISTRICT FEROZEPUR, PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present Mr. J.S. Bagga, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (Oral)

1. The petitioner submits that the order passed by this Court on 02.02.2023 disposing of the Writ Petition in terms of the communication dated 01.02.2023 sent by the Tehsildar, Zira, to the Office of Advocate General, Punjab wherein it was mentioned that 28.02.2023 was the date fixed for handing over the possession of the mortgaged property has resulted in the situation where the petitioner has not handed over the mortgaged property as yet. Thus, it is a case of deliberate and willful contempt of the Court's order.

2. However, this Court finds that there is no specific undertaking given by the Tehsildar, Zira and the said communication cannot be read as a promise to the Court.

3. Keeping in view of the judgment passed by the apex Court in the case of Balwantbhai Somabhai Bhandari Vs. Hiralal Somabhai Contractor (Deceased) Rep by LRs. and Others; 2023 SCC Online SC 1139, the instant Contempt Petition would not lie and the same is **dismissed**

accordingly. However, dismissal of this Writ Petition would not mean to deny the petitioner taking up of legal remedies as may be available to him in accordance with law including moving of an application/petition before the Division Bench.

4. All pending applications filed in this Contempt Petition shall stand disposed of.

November 20, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes/No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>