

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRWP-10748-2022

Decided on : 27.04.2123

Vimal Rai and others

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Ramandeep Kaur, Advocate
for the petitioner(s).

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Rahul Verma, Advocate as *Amicus Curiae*
for respondents No.5 & 6.

SANJAY VASHISTH, J. (Oral)

1. After hearing the petitioners and the respondents on 23.03.2023,
following order was passed:-

“ Respondents No.5 & 6 present in-person.

2. Petitioners i.e. Vimal Rai aged about 65 years, Shama aged about 62 years and their son namely Swarnim aged about 29 years, filed instant petition for seeking direction to official respondents to protect their lives and liberty, which is allegedly in danger at the hands of private respondents No.5 & 6 i.e. Ritika Suri and Gaurav Miglani.

3. Learned Counsel for the petitioners submits that at the time of need of petitioner No.1, private respondents i.e. respondents No.5 & 6, had extended financial help to him, and an amount of Rs.4.00 lakhs had been deposited by respondent No.5 in the Bank account of petitioner No.3, by way of different installments.

4. This way, petitioners admit and submit that total amount of Rs.4.00 lakhs, was given to the petitioners by respondents No.5 & 6, and in the same breathe, he submits that

the said amount had been returned back to respondents No.5 & 6.

5. *Learned counsel for the petitioners further submits that on 26.05.2022, respondent No.5 along with 4-5 young boys came to the house of petitioners in drunken condition and threatened them to teach a lesson for blocking of the number of mobile number by respondent No.5.*

He further submits that again on 21.08.2022, respondent Non.5 came to the petitioners house along with four boys and created a scene at the house of the petitioners, and in regard to the said incident one application dated 21.08.2022 (Annexure P-1), had been submitted to the Police Commissioner, Panchkula, for taking legal action. When no action was taken, present petition has been filed by the petitioners.

6. *After hearing learned counsel for the petitioners, for some amicable solution, notice of motion was issued by this Court vide order dated 16.11.2022, and in response thereto, respondents No.5 & 6 were accordingly informed to be present in-person before this Court.*

Thereafter, on appearance of respondents No.5 & 6, it was apprised to the Court by private respondents No.5 & 6 that in fact, it was money dispute, and same has been admitted by the petitioners in the petition also. Matter was referred to the Mediation and Conciliation Centre of this Court vide order dated 23.02.2023, and Mr. Rahul Verma, Advocate, was also appointed as Amicus Curiae to assist the Mediator, if so required, on behalf of private respondents No.5 & 6, and to address arguments in the main case as well.

7. *In continuation of the said order, respondents No.5 & 6 are being represented by Ld. Amicus Curiae, who submits that in fact Rs.6.80,000/- had been given to the petitioners, and only an amount of Rs.1,41,000/- has been returned so far. Said fact has been disclosed by private respondents today while appearing in the Court.*

8. *This Court made all the efforts for the amicable solution between the parties, and in this regard, order dated 23.02.2023, is reproduced as under:-*

“ In compliance to the order dated 06.02.2023, respondents No.5 & 6 are present in-person in Court today.

On the proposal given by counsel for the petitioners for sending the matter to the Mediation and Conciliation Centre of this Court, private respondents No.5 & 6, who are present in-person in Court today, and who admittedly helped out the petitioners by giving them financial assistance, have accepted the proposal for settling the dispute amicably.

Accordingly, matter is referred to the Mediation and Conciliation Centre of this Court to end the financial dispute in a peaceful manner. Parties are directed to appear before the said Forum on 25.02.2023. Needless to say that parties shall remain present on each and every date fixed by the said Forum.

For awaiting report, adjourned to 13.03.2023.

Since, respondents No.5 & 6 are appearing in-person, this Court deems it appropriate to appoint Mr. Rahul Verma, Advocate, who is present in Court, as Amicus Curiae to assist the Mediator, if so required, on behalf of respondents No.5 & 6, and to address arguments in the main case as well. Accordingly, Mr. Rahul Verma, Advocate (PH/1262/2021), is hereby appointed as Amicus Curiae to assist this Court and address arguments in the appeal.

Registry is directed to supply photocopy of complete set of paper book to the counsel appointed as Amicus Curiae, so as to enable him to assist the Court on the next date of hearing.”

9. *Thereafter, on 13.03.2023, following order was passed:-*

“Earlier the matter was recommended to the Mediation and Conciliation Centre of this Court for amicable settlement. But petitioner could not appear before the Mediation and Conciliation Centre for one reason or the other, as explained by the counsel.

In the interest of justice, once again matter is recommended for amicable settlement to the Mediation and Conciliation Centre of this Court, with the expectation that this time petitioner would be available on each and every date fixed by the Mediation and Conciliation Centre, for the purpose it is being referred.

Respondents No.5 & 6, who are again present in-person before the Court, requests for decision of the matter at the earliest, if possible because she has to leave the country in the last week of April.

In view of the circumstances, learned Mediator is also requested to conduct the proceedings, if possible on day to day basis.

In view of the stand of the contesting parties, both the parties are directed to appear before the said Forum on 15.03.2023. Needless to say that parties shall remain present on each and every date fixed by the said Forum.

Awaiting report, adjourned to 23.03.2023.”

10. *Today, again matter is listed before this Court after unsuccessful attempt before the Mediation and Conciliation Centre of this Court. In fact, despite grant of two opportunities, and as already been agreed upon by the petitioners, none of the three petitioners ever appeared before the said Forum. Therefore, real dispute is left unresolved.*

However, this Court feels that petitioners have misused the jurisdiction of this Court by projecting it to be a matter of threat to the lives and liberty of the petitioners at the hands of private respondents No.5 & 6, whereas, admittedly, it is a money dispute and all possible efforts have been made for an amicable solution after getting consensus of the parties.

It is also noticeable that private respondents No.5 & 6 always remain present in-person before this Court. Even today, also they are appearing in-person along with in Court Amicus Curiae and in compliance to the recommendation sent to Mediation & Conciliation Centre of this Court factum of their regular appearance before the Mediator of the Mediation and Conciliation Centre of this Court is also undisputed, as has been confirmed by Ld. Amicus Curiae.

11. *Mr. Liaqat Ali, learned counsel for the petitioners also submits that despite giving required information to the petitioners several times, there was never positive response of coming and attending the mediation proceedings by the petitioners.*

12. *In view of the aforementioned circumstances, I do not find any merit to entertain the prayer made in present petition. Accordingly, said prayer is rejected.*

However, matter is kept pending for final disposal.

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Meanwhile, petitioners are directed to deposit Rs.10,000/- as costs, with the 'Punjab and Haryana High Court Bar Association Lawyers Family Welfare Fund (State Bank of India, Current A/c No. 41564846387, IFSC Code No.SBIN0050306)'.

To cross-check the deposit of ordered cost amount, matter is kept pending for 13.04.2023."

2. The amount of Rs.10,000/- imposed as cost upon the petitioners vide order dated 23.03.2023, has been deposited by the petitioners. In this regard, a receipt No.113, dated 13.04.2023, issued by the Punjab & Haryana High Court Bar Association Lawyers Family Welfare Fund (SBI A/C No.41564846387), has been placed at Flag 'B' in the case file. Said receipt is taken on record. Office to tag the same at appropriate place.

3. As per order dated 23.03.2023, which is reproduced herein-above, it is clear that prayer made by the petitioners in present petition, has been rejected. Therefore, present petition does not survive and stands **dismissed**.

4. However, petitioners, who are present in-person along with their counsel Ms. Amandeep Kaur, Advocate, submit that they wish to file their complaint afresh to the concerned authority to adhere their grievances.

Accordingly, if the petitioners feel aggrieved in future, they are at liberty to avail appropriate remedy, as available to them under the law.

**(SANJAY VASHISTH)
JUDGE**

April 27, 2123

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No