

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-3443-2023 (O&M)

Date of Decision: 08.11.2023

ROSHAN LAL
(Through his Legal Heirs)

.....Petitioner

V/s.

MANMINDER SINGH

.....Respondent

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

Present Mr. Gagandeep Singh Bajwa, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J (Oral)

1. This Contempt Petition is filed by the petitioner with regard to non-compliance of the order passed by the Civil Judge (Junior Division) exercising the powers of the Rent Controller, Amritsar, under the East Punjab Urban Rent Restriction Act No.III of 1949.

2. Learned counsel for the petitioner submits that the Rent Controller had directed the concerned Engineer to conduct inspection of the site and also directed the landlords to remain present at the site in compliance of the order, but the order of the concerned Rent Controller were not obeyed. An application was also moved before the concerned Rent Controller wherein no orders have been passed. Keeping in view thereto, the petitioner has filed this Contempt Petition before this Court.

3. The provisions of the Contempt of Courts Act, 1971 allow this Court as the Court of record to initiate the contempt proceedings against persons who deliberately and willfully flout the Court's order. In order to reach to the conclusion whether the Court's order has been flouted or not, the concerned Court, subordinate to the High Court, may examine the complaint and reach to a conclusion whether the orders passed by it have

been flouted. Once it reaches to a conclusion that their order have been flouted, they would refer the matter to the High Court in terms of Section 10 of the Contempt of Courts Act, 1971 for proceeding further. It is at that stage that the Court would examine the conduct of the said contemnor in terms of the definition of contempt provided under Section 2(2) of the Contempt of Courts Act, 1971 and if it reaches to a conclusion that the civil contempt has been made out, it shall pass appropriate orders under Section 12 of the Contempt of Courts Act, 1971. However, the petitioner has directly filed this Contempt Petition before this Court for non-compliance of the order of the concerned Civil Court, exercising powers of the Rent Controller, which is not maintainable as this Court, while exercising jurisdiction under the Contempt of Courts Act, 1971, would not be taking evidence of the respective parties or affidavits with regard to the issue/dispute pending before the concerned Court.

4. In view of the above, the Contempt Petition for compliance of the orders passed by the Civil Courts is not maintainable before this Court as the same can only be registered after the concerned Court refers the matter as above.

5. The Contempt Petition is found to be not maintainable and is accordingly dismissed.

6. Copy of this order be sent to the Registry for compliance.

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

November 8, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]

JUDGE

Whether speaking / reasoned	:	Yes/No.
Whether Reportable	:	Yes/No