

COCN No.2481 of 2014 (O&M)
Date of Decision: 02.05.2024

MANOJ EDUCATIONAL WELFARE SOCIETY

.....Petitioner

Versus

HIMANSHU MODY

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. D.K. Singal, Advocate for the petitioner.

Mr. A.S. Virk, Advocate and
Mr. Paras M.Goyal, Advocate for the respondent.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Sections 10/12 of the Contempt of Courts Act, for initiating contempt proceedings against the respondent for disobedience of order dated 18.09.2013 passed by the District Judge, Panchkula in Arbitration Case No.ARB/0000049/13.
2. A perusal of the case file shows that the present contempt petition has been filed qua the alleged violation of order dated 18.09.2013 passed by the Civil Court under Section 9 of the Arbitration and Conciliation Act, 1966, granting interim injunction in favour of the petitioner, which was granted on the assertion of the petitioner that there existed an arbitration contract between the parties. However, after getting interim order from the Court below, the petitioner has not even gone in the arbitration qua the alleged contract between the parties. Therefore, on the one hand; the petitioner has chosen not to avail the remedy of arbitration, whereas, on the other hand, this Court has been made to waste its time since the year 2014 alleging that the respondent has not followed the order of the Court passed under Section 9 of the Arbitration and Conciliation Act, 1966.

3. Not only that, learned counsel for the respondent has also submitted that the letter vide which the franchise agreement with the petitioner was terminated; had also been withdrawn vide letter dated 05.12.2014 itself.

4. Therefore, there appears to be absolutely no cause of action for the petitioner to have wasted time of this Court for such a long time, for which now the petitioner deserves to be burdened with appropriate costs.

5. Accordingly, while dismissing the present petition, the petitioner is burdened with costs of Rs.40,000/-, to be deposited with the Punjab and Haryana High Court Lawyers Welfare Fund, within a period of ten days from today.

6. The Registry is directed to list the case after ten days in Urgent List, only for production of receipt of deposit of costs.

CM-18101-CII-2016
CM-7183-CII-2015 and
CM-7184-CII-2015

Since, the main case is being dismissed today, therefore, the present applications have been rendered infructuous and are disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

02.05.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No