

COCN No.174 of 2024 (O&M)
Date of Decision: 21.02.2024

RAM RATI DEVI

.....Petitioner

Versus

R.S. DHILLON

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Shivam Malik, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India for initiating contempt proceedings against the respondent for violating the directions issued vide judgment dated 21.02.2023 passed by this Court in CWP-10884-2020.
2. Short reply by way of affidavit of the respondent has been filed by learned counsel for the respondent today in the Court. The same is taken on record. Learned counsel for the respondent has submitted that the respondent had challenged the order dated 21.02.2023, vide LPA No.436-2024. In the said LPA, the operation of the impugned judgment has been stayed. Therefore, the present petition has been rendered as infructuous.
3. As response to this, learned counsel for the petitioner has submitted that in the said LPA, the operation of another order dated 03.05.2019 has been stayed and not the operation of the order dated 21.02.2023. Therefore, the respondent is in contempt by not obeying the order dated 21.02.2023.

4. As response to this, learned counsel for the respondent has pointed out that the above said LPA is only against the order dated 21.02.2023 and the another order dated 03.05.2019 has, in fact, already been complied with. Therefore, the date mentioned in the order passed by the LPA Bench is a typographical mistake.

5. This Court finds substance in the submissions made by learned counsel for the respondent. Since, the order dated 03.05.2019 already stands complied with and the said order was not even challenged in the LPA, therefore, by necessary implication, it would be obvious that the LPA Bench had stayed the operation of the order dated 21.02.2023 only, though mentioning the date of order as 03.05.2019.

6. In view of the above, this Court does not find it appropriate to proceed further in the matter. Accordingly, the present petition is dismissed, at this stage.

(RAJBIR SEHRAWAT)
JUDGE

21.02.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No