

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-8444-2024

Date of decision: 03.05.2024

JALVAYU VIHAR RESIDENTS WELFARE ASSOCIATION
.....Petitioner

VERSUS

PUNJAB AND HARYANA HIGH COURT AND OTHERS
.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Petitioner in person.

Ms. Supriya Garg, Advocate
for respondents No. 1 to 3.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of directions to the Court of Additional Civil Judge (Senior Division), Mohali to decide all the pending Civil Miscellaneous applications alongwith the Civil Suit.
2. Vide order dated 18.04.2024, a report was called from the District & Sessions Judge, S.A.S. Nagar, Mohali.
3. A report has been sent by the District & Sessions Judge, S.A.S, Nagar Mohali, as per which the petitioner had filed 07 Civil Suits and 133 Contempt petitions in the Court of Additional Civil Judge (Senior Division),

S.A. S. Nagar, Mohali and that out of the same, 05 Civil Suits and 126 Contempt Petitions have already been decided. Only 02 Civil Suits and 07 Contempt Petitions remain pending. Besides, against the 126 contempt petitions decided, the petitioner filed review applications in 61 contempt petitions instead of preferring any appeal against the same. It has also been informed that the petitioner has submitted as many as 02 complaints against Ms. Josica Sood, Civil Judge (Junior Division), 25 complaints against Sh. Mohit Bansal, Addl. Civil Judge, (Senior Division), S.A.S. Nagar, Mohali; further additional 78 complaints have been submitted against the above said Mohit Bansal, Addl. Civil Judge, (Senior Division), Ms. Deepika Singh, Addl. Civil Judge (Sr. Divn.), Ms. Ruchika Swapan Sharma, Addl. Civil Judge, Sr. Divn, S.A.S. Nagar; Mohali and another bunch of 60 complaints had been submitted by him against the above said officials. It is also informed that as many as 105 applications under the Right to Information Act, 2005 had been submitted by the petitioner before the APIO and that even legal notice under Section 80 CPC was got served upon the Presiding Officer.

4. Counsel for the respondent contends that the petitioner is in fact abusing the process of law and is resorting to filing frivolous, unsubstantiated and irrelevant applications/miscellaneous applications and that certain miscellaneous applications cannot be tagged alongwith the Civil Suit and have to be adjudicated upon first, depending upon their different nature. It is also informed that vide order dated 07.07.2022, all the other Civil Miscellaneous applications and suits of the petitioner were clubbed together and that they are being heard and decided by the Additional Civil Judge (Senior Division) in a manner known to law.

5. A specific response alongwith the details of the miscellaneous applications in the decision given by the Additional Civil Judge (Senior Division) has also been appended.

6. Given the volume of Miscellaneous applications submitted, contempt petitions filed alongwith review as well as wholesome complaints against officers rather tilts the scale against the petitioner. The Officers dealing with the cases of petitioner are seemingly being kept under pressure of some application/complaint or information under Right to Information Act, 2005.

7. This Court finds no reason to not accept the report furnished by the District & Sessions Judge and was inclined to impose cost on the petitioner on seeing the sheer conduct and finding no prima facie justification for such large number of contempt petitions, review petitions and even complaints and RTI applications.

8. Faced with the above, petitioner in person does not wish to press the instant petition.

9. Dismissed as not pressed.

(VINOD S. BHARDWAJ)
JUDGE

MAY 03, 2024
Vishal Sharma

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