

COCN No.1590 of 2023 (O&M)
Date of Decision: 01.04.2024

SUKHDEV SINGH

.....Petitioner

Versus

MANDEEP SINGH BRAR AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Rahul Arora, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. Ashwani Prashar, Advocate for respondent Nos.3 and 4.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Sections 10 and 12 of the Contempt of Courts Act, for initiating contempt proceedings against the respondents for violating the order dated 23.12.2022 passed in CWP-30069-2022.
2. Learned counsel for respondent Nos.1 and 2 has submitted that necessary speaking order had already been passed requiring respondent Nos.3 and 4 to make the payment as per the financial conditions of the Society.
3. Learned counsel for respondent Nos.3 and 4 has submitted that in compliance of the order passed by respondent No.2-Assistant Registrar, Cooperative Societies, Bagha Purana, necessary payments have already been made. Hence, the present petition is rendered infructuous.
4. On the other hand, learned counsel for the petitioner has submitted that full amount to which the petitioner is entitled have not been paid by the respondents. Therefore, the present petition has not been rendered infructuous.

5. However, respondent No.2-Assistant Registrar has passed the particular order relying upon the financial conditions of the Society, therefore, if the petitioner is aggrieved of the purport of the order passed by the Assistant Registrar of the Society, then he would have the liberty to challenge the said order and to get the same set aside, however, the said aspect cannot be decided in the contempt proceedings.

6. Needless to say that in its order dated 23.12.2022, the Writ Court had not specified any amount, to be paid to the petitioner, as such. Everything was left to the discretion of the respondents to be decided by them. Since, the respondents have already decided the issue and have made the payment accordingly, therefore, the present petition is rendered infructuous.

7. Dismissed as having been rendered infructuous.

8. However, if any grievance of the petitioner is left un-redressed, he would be at liberty to raise the same in any alternate remedy, but in accordance with law.

(RAJBIR SEHRAWAT)
JUDGE

01.04.2024
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No