IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

COPC No.5 of 2018
in RSA No.412 of 2009

Decided on: 27.10.2025

Lekh Ram (Sic.) Lekh Raj (deceased)
through LRs:- Dilbagh Singh & others ... Petitioners

Versus

Smt. Sita Devi (deleted vide Court order
dated 10.10.2023) & others ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioners	:	M/s R.K. Gautam and Pawan Gautam, Advocates.
For the respondents	:	Mr. Sanjeev Kumar Suri, Advocate, for respondents No.1 to 13, 19, 21 and 25 to 42. Mr. Pushpinder Jaswal, Additional Advocate General, for respondent No.43.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioners have prayed that the respondents be punished for willful disobedience of order dated 18.10.2014 (Annexure P-3), passed by this Court in CMP No.11109 of 2014, as well as judgment dated 25.10.2016, passed in in RSA No.412 of 2009 (Annexure P-5).

2. Learned Counsel for the petitioners submitted that vide order dated 18.10.2014, the Hon'ble Coordinate Bench was pleased

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[1] *Whether reporters of the local papers may be allowed to see the judgment?*

to order that the respondents therein stood restrained from extracting any timber or forest produce from the suit land with a further direction to the respondents therein to furnish accounts in relation resin and forest produce already extracted pursuant to the permits issued by the Authorities/State Government in the year 2013-2014, positively within a period of four weeks as from 18.10.2014. Learned Counsel submitted that this direction passed by the Court was not complied with by the respondents. The Regular Second Appeal was ultimately decided on 25.10.2016 and while disposing of the appeal, again a direction was issued to the respondents to comply with order dated 18.10.2014 within a period of two weeks. Learned Counsel submitted that as neither of the orders were complied with by the respondents, hence, the petitioners have approached this Court by way of present petition. He submitted that as there is a willful disobedience of the directions passed by the Court on two occasions, the respondents deserve to be punished for willful disobedience of the Court orders.

3. On the other hand, learned Counsel for the private respondents has drawn the attention of the Court to the subsequent order passed in a Review Petition, i.e. Review Petition No.69 of 2017 and apprised the Court that the judgment dated 25.10.2016, passed

in RSA No.412 of 2009 was reviewed on 21.08.2019 and thereafter, a fresh judgment was passed by the Court on the same date, again dismissing the appeal. Accordingly, he submitted that as judgment dated 25.10.2016 stood reviewed, the respondents cannot be said to be guilty of any disobedience of the orders passed in the said appeal vide judgment dated 25.10.2016. He prayed that the present petition be, therefore, dismissed.

4. In rebuttal, learned Counsel for the respondents submitted that though it is a matter of record that a review filed against judgment dated 25.10.2016 was allowed as the judgment was passed by ignoring the factum of the death of a party therein, but, it is also a matter of record that when the Review Petition was allowed on 21.08.2019, thereafter, on the same date, the Hon'ble Coordinate Bench was pleased to pass similar directions as were passed earlier on 25.10.2016 with regard to compliance of order dated 18.10.2014 and needful was not done by the respondents in the time so granted by the Court. He, accordingly submitted that the contempt is continued.

5. Having heard learned Counsel for the parties and taking into consideration the facts of the case, this Court is of the considered view that after the review of judgment dated 25.10.2016,

these complaint proceedings have lost their efficacy.

6. In light of the fact that no contempt proceedings were filed within one year as from the date of passing of order dated 18.10.2014, or expiry of one year as from the time granted to the parties to comply with the said order, this Court is of the considered view that the contempt *per se* is not maintainable against order dated 18.10.2014, which otherwise also merged in the judgment which was passed on 25.10.2016. Though, the contempt proceedings were filed within one year as from the date of passing of order dated 25.10.2016, but it is a matter of record that the said judgment was reviewed on 21.08.2019 and on the said date a fresh judgment was also pronounced by the Court. Disobedience of the direction, if any, passed by this Court in its judgment dated 21.08.2019 obviously entails a fresh cause of action and the same cannot be construed to be a continuing cause, as was urged by learned Counsel for the petitioners.

7. In light of above observations, this Court is of the considered view that as far as the present contempt proceedings are concerned, the same are not maintainable and the same are accordingly closed. At this stage, learned Counsel for the petitioners submits that as the petitioners were bonafidely pursuing these

proceedings well before the passing of the subsequent judgment on 21.08.2019, the petitioners be granted liberty to file a fresh contempt for willful disobedience of order dated 21.08.2019 and the factum of the petitioners pursuing this remedy be taken into consideration while calculating the limitation. Ordered accordingly.

8. The petitioners may file fresh contempt proceedings, if according to the petitioners, there is a disobedience of order dated 21.08.2019 and delay in filing the contempt proceedings be explained by referring to the present proceedings.

9. With these observations, the petition stands disposed of. Notices stand discharged.

(Ajay Mohan Goel)
Judge

October 27, 2025
(Rishi)