



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

102+209

COCP-1301-2025 (O&M)
Date of decision : 04.11.2025

Durga Devi and another

..... Petitioners

versus

Hardeep Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.P. Chaudhary, Advocate
for the petitioner.

Mr. Saurabh Arora, Legal Aid Counsel
for the respondent.

PANKAJ JAIN, J. (Oral)

CM-22306-CII-2025

This is an application for placing on record written statement on behalf of the respondent.

For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Written statement is taken on record.

Main case

1. Present contempt petition has been filed alleging wilful disobedience of the order dated 09.02.2024 passed by Civil Judge (Senior Division) (Commercial Court), Faridabad.

2. In commercial suit, the Court issued following directions to the respondent on the application filed by the plaintiff:-

“Keeping in view the facts and circumstances, this court is of the view that a perusal of the pleadings available on



record along with the material reveals that defendants have duly admitted the tenancy under the plaintiffs even though the extent of liability arising on account of rent towards the defendants has been disputed by the defendants.

The Hon'ble Supreme Court in *Rahul. S. Shah Vs. Jinendra Kumar Gandhi*, Civil Appeal No. 1659-1660-2021 has categorically held that in a suit for payment of money, before settlement of issues, the defendants may be required to disclose his assets on oath to the extent that he is being made liable in suit. It was further held that the Court may further, at any stage, in appropriate cases during the pendency of the suit, using powers under Section 151 CPC, the demand security to ensure satisfaction of any decree.

After perusing the material available on record as well as the law laid down by the Hon'ble Supreme Court, this court is of the view that the application at hand deserves to be allowed. The defendants are directed to disclose their assets on oath by way of filing an Affidavit on record before the Court to the extent of the amount as claimed by the plaintiffs in the present suit. The defendants are further directed to furnish security to the tune of the amount as claimed by the plaintiffs in the present suit to ensure the satisfaction of the decree into the Court on or before the next date of hearing.”

3. Respondent moved an application seeking modification of the order. The same was dismissed vide Annexure P-6.
4. Respondent thereafter furnished affidavit before the Court dated 15.09.2025, which is part of the record.
5. Reply by way of affidavit has been filed by the respondent before this Court on the same lines. Para 6 thereof reads as under:-

“That the respondent is presently without any attachable asset, was employed only for a short period (May-July 2024) in an interior-design firm earning Rs.50,000/- per month, and is now unemployed. He has two twin daughters aged four years studying in nursery and aged parents (70 & 65 years), both retired Government employees. His only possessions are a small gold kada and chain and minor fixed deposits earmarked for his children's education. The answering



respondent owns no vehicle or immovable property. In these circumstances, performance of the direction to "furnish security equal to Rs.41,37,225" is impossible in law and fact."

6. Once respondent on affidavit has submitted that he neither has any assets nor any means to comply with the order, this Court does not find that the respondent can be held to be guilty of having wilfully disobeyed the orders,

7. In view thereof, finding no merits in present contempt petition, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

04.11.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No