



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

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COCP-2736-2025

Date of Decision: 03.12.2025

Kamlesh Rani

.....Appellant

Vs.

Sanjeev Kumar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Aman Bansal, Advocate &
Mr. Lakshay Jindal, Advocate
for the appellant.

Mr. Vansh Malhotra, Advocate
for the respondent.

SUDEEPTI SHARMA J. (Oral)

1. The present contempt petition has been filed alleging deliberate and willful disobedience of the order dated 19.01.2023 passed by this Court in CR-8775-2014, whereby the respondents were directed to hand over peaceful and vacant possession of the property in question to the petitioner/landlord on or before 30.04.2023.

2. Learned counsel for the respondent submits that the vacant possession of the property has now been handed over to the petitioner on 05.09.2025.

3. It is not in dispute that order dated 19.01.2023 has attained finality. The respondent had furnished a categorical undertaking before this Court agreeing to vacate the premises by the stipulated date, on the strength of which the CR-8775-2014 filed by respondent-tenant titled as ***“Nafe Singh through his LRs Ramesh Tanwar & Ors. Vs. Kamlesh Rani & Anr.”***



was disposed of. Compliance is made only on 05.09.2025, after an inordinate delay of nearly two years beyond the period fixed by this Court.

4. For attracting civil contempt, the following ingredients are required to be satisfied: (i) existence of a lawful and binding order of the Court; (ii) knowledge of such order by the alleged contemnor; and (iii) willful and deliberate disobedience thereof. In the present case, all three requirements stand satisfied:

- There is a clear and unequivocal order dated 19.01.2023 directing delivery of vacant possession by 30.04.2023.
- The order is founded upon an express undertaking given by the respondent-tenant in Court. Hence, knowledge is implicit and admitted.
- Despite such undertaking, the respondent chose not to vacate the premises within the stipulated period and continued in occupation until 05.09.2025.

5. The respondent-tenant has not established any supervening circumstances which rendered compliance within time impossible. Mere eventual compliance after prolonged delay, without justification, does not efface the contumacious conduct. On the contrary, the conduct of the respondent-tenant reveals a calculated decision to retain possession in defiance of the Court's mandate and his own solemn assurance to the Court.

6. The eventual handing over of possession does not purge the contempt when compliance comes only after years of disregard and only when compelled through contempt petition. The petitioner had to run from pillar to post, compelled to initiate the present proceedings merely to enforce



what was already solemnly undertaken. Such conduct displays casualness toward the majesty of law and undermines faith in judicial orders.

7. This Court cannot remain a silent spectator to such blatant disregard of its authority. The sequence of events shocks the conscience of this Court and warrants imposition of exemplary costs so as to send a strong message that undertakings given to the Court are to be honoured strictly and within time.

8. This Court is conscious of the settled legal position that for initiating contempt proceedings, it must be clearly established that there has been a violation of a judgment, order or direction of the Court, and such violation must be willful. Mere non-compliance, without the element of intention, does not automatically amount to contempt. Reliance in this regard may be placed on ***Ram Kishan v. Tarun Bajaj, (2014) 16 SCC 204***, wherein the Hon'ble Supreme Court, while considering the implications of exercising contempt jurisdiction, held that such power must be invoked with caution and not on the basis of mere probabilities. The relevant extract is reproduced as under:

“12. Thus, in order to punish a contemnor, it has to be established that disobedience of the order is "wilful". The word "wilful" introduces a mental element and hence, requires looking into the mind of a person/contemnor by gauging his actions, which is an indication of one's state of mind. "Wilful" means knowingly intentional, conscious, calculated and deliberate with full knowledge of consequences flowing therefrom. It excludes casual, accidental, bona fide or unintentional acts or genuine inability. Wilful acts does not encompass involuntarily or negligent actions. The act has to be done with a "bad



purpose or without justifiable excuse or stubbornly, obstinately or perversely". Wilful act is to be distinguished from an act done carelessly, thoughtlessly, heedlessly or inadvertently. It does not include any act done negligently or involuntarily. The deliberate conduct of a person means that he knows what he is doing and intends to do the same. Therefore, there has to be a calculated action with evil motive on his part. Even if there is a disobedience of an order, but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the contemnor cannot be punished. "Committal or sequestration will not be ordered unless contempt involves a degree of default or misconduct." (Vide S. Sundaram Pillai v. V.R. Pattabiraman [S. Sundaram Pillai v. V.R. Pattabiraman, (1985) 1 SCC 591], Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao [Rakapalli Raja Ram Gopala Rao v. Naragani Govinda Sehararao, (1989) 4 SCC 255 : AIR 1989 SC 2185], Niaz Mohammad v. State of Haryana [Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332: AIR 1995 SC 308], Chordia Automobiles v. S. Moosa [Chordia Automobiles v. S. Moosa, (2000) 3 SCC 282], Ashok Paper Kamgar Union v. Dharam Godha [Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1], State of Orissa v. Mohd. Illiyas [State of Orissa v. Mohd. Illiyas, (2006) 1 SCC 275: 2006 SCC (L&S) 122: AIR 2006 SC 258] and Uniworth Textiles Ltd. v. CCE [Uniworth Textiles Ltd. v. CCE, (2013) 9 SCC 753].)

9. A similar view has been reiterated by the Apex Court in **Rama Narang vs Ramesh Narang, AIR 2021 SC 721**, the relevant paragraphs of which are reproduced herein below:



“86. Apart from that, for bringing an action for civil contempt, the petitioner has to satisfy the court that there has been a wilful disobedience of any judgment, decree, direction, order, writ or other process of the court. It will be relevant to refer to para 9 of the judgment of this court in Niaz Mohammad v. State of Haryana [Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332]: (SCC p. 337, para 9)

"9. Section 2(b) of the Contempt of Courts Act, 1971 (hereinafter referred to as "the Act") defines "civil contempt" to mean 'wilful disobedience to any judgment, decree, direction, order, writ or other process of a court ...'. Where the contempt consists in failure to comply with or carry out an order of a court made in favour of a party, it is a civil contempt. The person or persons in whose favour such order or direction has been made can move the court for initiating proceeding for contempt against the alleged contemnor, with a view to enforce the right flowing from the order or direction in question. But such a proceeding is not like an execution proceeding under the Code of Civil Procedure. The party in whose favour an order has been passed, is entitled to the benefit of such order. The court while considering the issue as to whether the alleged contemnor should be punished for not having complied with and carried out the direction of the court, has to take into consideration all facts and circumstances of a particular case. That is why the framers of the Act while defining civil contempt, have said that it must be wilful disobedience to any judgment, decree, direction, order, writ or other process of a court. Before a contemnor is punished for non-compliance of the direction of a court, the court must not only be satisfied about the disobedience of any judgment, decree, direction or writ but should also be satisfied that such disobedience was wilful and intentional. The civil court while executing a decree against the judgment-debtor is not concerned and bothered whether the disobedience to any judgment, or decree, was wilful. Once a



decree has been passed it is the duty of the court to execute the decree whatever may be consequence thereof. But while examining the grievance of the person who has invoked the jurisdiction of the court to initiate the proceeding for contempt for disobedience of its order, before any such contemnor is held guilty and punished, the court has to record a finding that such disobedience was wilful and intentional. If from the circumstances of a particular case, brought to the notice of the court, the court is satisfied that although there has been a disobedience but such disobedience is the result of some compelling circumstances under which it was not possible for the contemnor to comply with the order, the court may not punish the alleged contemnor.

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“89. It will also be appropriate to refer to the further observations made by this Court in para 38 of the said judgment: (Kanwar Singh Saini case [Kanwar Singh Saini v. High Court of Delhi, (2012) 4 SCC 307: (2012) 2 SCC (Civ) 497: (2012) 2 SCC (Cri) 423], SCC pp. 326-27)

"38. The contempt proceedings being quasi-criminal in nature, the standard of proof required is in the same manner as in other criminal cases. The alleged contemnor is entitled to the protection of all safeguards/rights which are provided in the criminal jurisprudence, including the benefit of doubt. There must be a clear-cut case of obstruction of administration of justice by a party intentionally to bring the matter within the ambit of the said provision. The case should not rest only on surmises and conjectures. In Debabrata Bandopadhyay v. State of W.B. [Debabrata Bandopadhyay v. State of W.B., AIR 1969 SC 189], this Court observed as under: (AIR p. 193, para 9)

'9. A question whether there is contempt of court or not is a serious one. The court is both the accuser as well



as the judge of the accusation. It behoves the court to act with as great circumspection as possible making all allowances for errors of judgment and difficulties arising from inveterate practices in courts and tribunals. It is only when a clear case of contumacious conduct not explainable otherwise, arises that the contemnor must be punished.

... Punishment under the law of contempt is called for when the lapse is deliberate and in disregard of one's duty and in defiance of authority. To take action in an unclear case is to make the law of contempt do duty for other measures and is not to be encouraged.”

10. In view of the above discussion, and considering the wilful default and delayed compliance attributable solely to the respondent, costs of ₹2,00,000/- is imposed upon the respondent, to be paid to the petitioner within a period of two month from today.

11. In view of the above, the present contempt petition is disposed of.

12. The pending application(s), if any, also stands disposed of.

03.12.2025

Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No