



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

104

COCP-2215-2025 (O&M)

Date of Decision : 07.05.2025

SAVITA

.... Petitioner

VERSUS

Dr. SUSHIL KUMAR GARG

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jitender Nara, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present contempt petition has been filed by the petitioner under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as the 'Act') for punishing the respondent and for initiation of contempt proceedings against him on the ground that the respondent, while presiding over the Motor Accident Claims Tribunal, Rewari, had passed an award dated 22.08.22023 (Annexure P-1) relying upon an overruled judgment. It is contended that the Tribunal placed reliance on the order dated 22.05.2018 passed in FAO-5613-2017 which order had subsequently been set aside by the Hon'ble Supreme Court.

2. Civil contempt has been defined under Section 2(b) of the Act to mean 'willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court'.

Further, Section 12 of the Act reads as under :

*“12. **Punishment for contempt of court.** - (1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:*

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.

Explanation. - An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation. - For the purpose of sub-sections (4) and (5),-

(a) “company” means anybody corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm”.

3. Additionally, Section 3 of the Judges (Protection) Act, 1985 reads as under:-

‘3. Additional protection to Judges. —(1)

Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of sub-section (2), no court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action (whether by way of civil, criminal, or departmental proceedings or otherwise) against any person who is or was a Judge.’

4. On a query put by the Court as to under which provision of law the present contempt petition would lie against a judicial officer for passing an award on the judicial side, learned counsel for the petitioner states that he does not have the Act and hence is unable to assist the Court.

5. It is strange that the petitioner has filed the present petition for contempt when an award had been passed on the judicial side by the judicial officer concerned under the Motor Vehicles Act, 1988 which has nothing to do with the willful disobedience to any judgment, decree, direction, order, writ or other process of a Court or willful breach of an undertaking given to a Court.

6. If the petitioner is aggrieved by the said judicial award passed in her case, a remedy has been provided in the Motor Vehicles Act, 1988 itself of filing an appeal against the said award, which remedy has already been availed by the petitioner herein by filing an appeal being FAO-5694-2023 titled as 'Savita & Ors. V/s Vinay Pal & Anr.'. The appeal being FAO-5694-2023 came up for hearing for the first time before a Coordinate Bench of this Court on 15.03.2024. The said fact of filing an appeal has not even been mentioned in the present contempt petition.

7. The conduct of the petitioner in filing the present contempt petition is wholly unbecoming and this Court has no hesitation in holding that this is nothing but an abuse of the process of law.

8. In view of the above, the present contempt petition is dismissed with ₹50,000 (rupees fifty thousand) as costs to be deposited with the High Court Legal Services Committee within a period of two months from today.

In case costs are not deposited within a period of two months from today, the same shall be recovered as arrears of land revenue.

9. Pending applications, if any, also stand disposed off.

07.05.2025

Aman Jain

(ALKA SARIN)

JUDGE

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