



112

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

COCP-4730-2025**Date of decision: 16.09.2025**

**JAL VAYU TOWERS MOHALI APARTMENT OWNERS
ASSOCIATION**

..Petitioner**Versus**

SUMIT DHIMAN AND OTHERS

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rakesh Bhatia, Advocate
for the petitioner.

Mr. Akshay Jain, Advocate
for respondent No.1 and 2.

Mr. Balram Singh, Advocate
for respondent No.3.

SUDEEPTI SHARMA, J. (Oral)

1. The present contempt petition has been filed for deliberate and intentional disobedience of order dated 04.07.2025 passed by this Court in CWP-17974-2025, which is reproduced as under:-

“The petitioner seeks issuance of a writ in the nature of Certiorari quashing the impugned order dated 13.06.2025 (Annexure P-20) passed by respondent No.1 dismissing the revision of the petitioner-Society; order dated 22.01.2024 (Annexure P-14) passed by respondent No.2 dismissing the appeal of the petitioner-Society, and the orders dated 05.07.2023 (Annexure P-11) and dated 17.07.2023 (Annexure P-12) passed by respondent No.3, whereby, the petitioner- Society has been dissolved and taken over by respondent No.5, and the petitioner- Society



has been directed to vacate the office and hand over the complete charge of the petitioner-Society to respondent No.5; and respondent No.4 has been appointed as Administrator of the Association.

The impugned orders have been challenged while raising the following three fold issues:-

- 1. Whether the petitioner-Society registered under the Societies Registration Act, 1860 (for short 'Act of 1860') can be dissolved in contravention to the provisions of the Section 13 of the Act of 1860 and superseded over by a Society registered under the Punjab Apartment Ownership Act, 1995 (for short 'Act of 1995')?*
- 2. Whether the funds/assets of the petitioner-Society registered under the Act of 1860 can be transferred to the New Association registered under the Act of 1995?*
- 3. Whether the petitioner-Society does fall within the definition of Sections 2 and 3 of the Act of 1995 especially when the said sections define the word "promoter" and not the "society"?*

All the three aforesaid issues are purely questions of law. Hence, the present writ petition has been preferred as the orders under challenge are in contravention to the statutory provisions of law.

Notice of motion.

On advance service of copy of petition, learned State counsel and learned counsel for respondent No.5 appear and accept notice, and seek time to file their respective replies.

Put up on 03.09.2025.

Any action on the part of the respondents shall be subject to the outcome of this writ petition."

2. A perusal of above shows that there is no direction given by the Division Bench of this Court for which the present contempt petition is filed.



3. Despite the fact that there is no violation or disobedience of order dated 04.07.2025 passed by this Court, the present contempt petition is filed, which is not even maintainable. This amounts to gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court.

4. Similar matter has already been dealt with by this Court in **COCP-3579-2025** decided on 24.07.2025 titled as “**Payal Chaudhary V/s KAP Sinha IAS and others**”, while placing reliance on the judgments passed by Hon’ble Supreme Court in case titled as “**Dalip Singh V/s State of Uttar Pradesh and others (2010) 2 SCC 114, Subrata Roy Sahara V/s Union of India (2014) 8 SCC 470 and K.C. Tharakan V/s State Bank of India & Ors. Passed in Writ Petition (Civil) Diary No(s).27458/2022**”. The relevant paragraphs of **Payal Chaudhary (supra)** are reproduced as under:-

“9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court. The tendency of litigants to misuse the judicial forum by engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

*10. The Hon’ble Supreme Court, in **Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114**, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice*



with unclean hands, are not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

*11. The petitioner’s conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon’ble Supreme Court in **Subrata Roy Sahara v. Union of India (2014) 8 SCC 470**, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the Indian judicial system. The Hon’ble Apex Court observed as under:-*

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and illconsidered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

*12. The Hon’ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as **K.C. Tharakan v. State Bank of India & Ors.** decided on 01.05.2023, the Hon’ble Apex Court held as follows:*

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and



results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

5. In view of the above referred to judgments, this Court is firmly of the opinion that the instant petition constitutes a glaring instance of misuse of the judicial process. It is, therefore, incumbent upon this Court to safeguard the sanctity of judicial proceedings and to prevent their exploitation by unscrupulous litigants. The time and resources of this Court are limited and must be reserved for *bona fide* grievances that merit judicial consideration.

6. As a sequel to above discussion, and with intention of conveying a strong deterrent message, this Court deems it just and proper to impose costs upon the petitioner.

7. Accordingly, the present contempt petition is dismissed with costs of Rs.5,000/- (Rupees Five Thousand only) for filing such kind of frivolous contempt. The said amount shall be deposited by the petitioners within a period of two weeks from the date of this order with the Poor Patients Welfare Fund, PGIMER, Chandigarh.

8. In the event of default in compliance, the amount shall be recovered from the petitioners as arrears of land revenue by the competent authority.

September 16th, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*