



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
210

COC-1729-2018 (O&M)
Date of decision: 28.04.2026

Arun Khanna

...Petitioner(s)

Vs.

Sudha Khanna & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. Kushagra Mahajan, Advocate
for respondents No.1 to 4.

Mr. Alok Mittal, Advocate
for respondents No.5 & 6.

NIDHI GUPTA, J.

Present Contempt Petition has been filed alleging violation of order dated 05.07.2012 (Annexure P1) passed by the learned Assistant Collector, 1st Grade, Amritsar, whereby despite the proceedings on the Mutation No.28887 having been adjourned sine die; mutation has been entered in the name of the private parties.

2. It is contended by learned counsel for the petitioner that despite the clear direction of the Assistant Collector to adjourn the proceedings on the Mutation No.28887 sine die yet in the Jamabandi for the year 2015-16



(Annexure P5) the respondents No.1 to 4 in gross defiance and disobedience of the orders passed by the learned Assistant Collector in their presence and upon taking their consent in connivance with respondents No.5 and 6 illegally got the Mutations reflected in the Jamabandi for the year 2015-16 (Annexure P5). Learned counsel submits that in the absence of any judgment having been passed by any competent Civil Court, respondents No.5 and 6 were not legally competent to allow the reflection of the Mutations in favour of the respondents No.1 to 4 as the same have not been legally served and/or approved. This is especially so as in the Jamabandi for the year 2010-11 (P-4), it is specifically mentioned that the mutation 28887 has been adjourned, sine die. Thus, the aforesaid action of the respondents amounts to wilful disobedience of the order dated 05.07.2012 (Annexure P1 to P3). Thus, the respondents have committed contempt of Court and made themselves liable for punishment.

3. Per contra, learned counsel appearing for respondents No.5 and 6 has submitted that as reflected in Annexure P5, the said Mutation was served in favour of the respondents No.1 to 4 on the basis of a duly registered Compromise dated 14.12.1946 entered into between the parties. Thus, there was no wilful disobedience on part of the said respondents. It is submitted that at best, it was an inadvertent error. In any event, it has now come to the notice of respondent No.5 that in Jamabandi for the year 2010-11 (Annexure P4) it is mentioned that the said Mutation through partition between the



respondents No.1 to 4 has been rejected by the Assistant Collector vide order dated 05.07.2012 and the Mutation has been adjourned sine die in order to verify the veracity of the alleged Compromise dated 14.12.1946.

4. It is further pointed out that in the meantime, the respondent No.5 has retired. Moreover, the petitioner has filed an application for correction of the Mutation entry. It is reiterated that the same was therefore, a bona fide mistake and there was no wilful disobedience on part of the respondent No.5.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

6. Learned counsel for the petitioner is prima facie unable to deny the above-said facts. No doubt, in the Jamabandi for the year 2015-16 (Annexure P5), the mutation no. 28887 is reflected despite the order dated 5.7.2012. However, it is admitted by the petitioner that an application has been filed by the petitioner for correction of the said Mutation entry.

7. Moreover, petitioner has been unable to make out any connivance amongst the respondents as alleged. The petitioner has also been unable to make out any wilful disobedience of the order of the Assistant Collector by the respondent No.5. It is also not disputed that the respondent No.5 has since demitted office.



8. In these circumstances, reference may be made to judgment of Hon'ble Supreme Court in **C. Elumalai v. A.G.L. Irudayaraj, (SC) : Law Finder Doc ID # 183009**, wherein it is held that:-

"B. Contempt of Court Act, 1971, Section 12 - Meaning of word 'Wilful' - Contempt of Court - Willful disobedience of an order of Court - 'Wilful' means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. 2003(11) SCC 1 relied.

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8. In Ashok Paper Kamgar Union v. Dharam Godha and Ors., (2003)11 SCC 1, this Court had an occasion to consider the concept of wilful disobedience' of an order of the Court. It was stated that wilful' means an act or omission which is done voluntarily and with the specific intent to do something the law forbids or with the specific intent to fail to do something the law requires to be done, that is to say, with bad purpose either to disobey or to disregard the law. According to the Court, it signifies the act done with evil intent or with a bad motive for the purpose. It was observed that the act or omission has to be judged having regard to the facts and circumstances of each case."

9. Reliance may also be placed upon the law as laid down by the Hon'ble Supreme Court to the effect that:

1) **Contempt is not a substitute for execution or appeal. In Niaz Mohammad v. State of Haryana, (1994) 6 SCC 332**, the



Hon'ble Apex Court held that where the directions of a judgment have been substantially complied with, any residual grievance must be worked out in appropriate proceedings; contempt jurisdiction is not meant for "enforcement of monetary or other civil rights" when there is bona fide compliance.

2) Wilful and deliberate disobedience must be clearly proved.

In **Kapildeo Prasad Sah v. State of Bihar, (1999) 7 SCC 569**, the Hon'ble Court explained that for civil contempt it must be shown that the disobedience is not merely accidental or due to inability or misunderstanding; if there is any genuine doubt about the scope of the order or if compliance is reasonably arguable, contempt will not lie.

3) Contempt cannot enlarge or vary the original order. In

Jhareswar Prasad Paul v. Tarak Nath Ganguly, (2002) 5 SCC 352, and Anil Ratan Sarkar v. Hirak Ghosh, (2002) 4 SCC 21, it has been repeatedly emphasised that the Hon'ble Court, in contempt, may not read into the original order rights or directions which are not expressly granted; a party cannot, under the guise of contempt, obtain substantive relief which it failed to secure in the main proceeding.



4) **Standard of proof akin to criminal proceedings.** In **Ashok Paper Kamgar Union v. Dharam Godha, (2003) 11 SCC 1**, the Hon’ble Supreme Court described contempt as a quasi-criminal jurisdiction where findings of guilt must rest on clear, cogent and unimpeachable evidence of wilful disobedience.

10. Thus, keeping in view the above noted factual and legal aspect, present Contempt Petition is hereby **dismissed**.
11. Rule stands discharged.
12. Pending application(s) if any also stand(s) disposed of.

28.04.2026
Sunena

(Nidhi Gupta)
Judge

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