



104

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

COCP-6192-2025 (O&M)

Date of Decision : 16.01.2026

MANJU KUMAR

.... Petitioner

VERSUS

SANDEEP YADAV, ADDITIONAL DISTRICT JUDGE

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vijay Sharma, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India for initiation of contempt proceedings and for punishing the respondent for knowingly, willfully and deliberately disobeying the order dated 08.04.2025 passed by this Court in EFA-1-2025.
2. Learned Additional District Judge, Faridabad has been impleaded as the respondent against whom the contempt is alleged.
3. This Court vide order dated 08.04.2025 passed in EFA-1-2025 has passed the following directions :

'7. Hence, the impugned order is set aside while requesting the Executing Court to pass a fresh order. It shall be open to the parties to take all the objections. The Executing Court will pass a fresh order uninfluenced by

the observations made in the impugned order or by this Court.

8. Let a fresh order be passed within a period of 02 months.

9. The parties through their counsel are directed to appear before the Executing Court on 02.05.2025.

10. The appeal is disposed of.'

4. Learned counsel for the petitioner has contended that a contempt is made out against the Presiding Officer concerned as he has not decided the case within the stipulated period.

5. Heard.

6. In the present case an order was passed by this Court on 08.04.2025 directing the Executing Court to pass a fresh order within a period of two months. The matter was listed before the then Additional District judge, Faridabad on 02.05.2025 and the same was adjourned to 19.05.2025. In the order dated 19.05.2025 it has been noticed that the arguments were not advanced and an adjournment was sought, though it is not clear as to who had sought the adjournment. Subsequently, the Additional District Judge, Faridabad at that point of time was transferred and the new incumbent took up the matter on 09.07.2025. The order dated 09.07.2025 reveals that arguments were not advanced and an adjournment was sought which was not opposed. The case was adjourned to 06.08.2025. On 06.08.2025 yet again arguments were not advanced and an adjournment was sought which was not opposed. The case was adjourned to 24.09.2025. On 24.09.2025 and

19.11.2025 the situation remained the same and arguments were not advanced. On 17.12.2025 the following order was passed :

‘Argument not advanced. Adjournment sought by learned counsel for the judgment debtor and the auction purchaser which was opposed. Now, case is adjourned to 04.02.2026 for argument. It shall be last opportunity for said purpose’.

As is clear from the order dated 17.12.2025 reproduced above, the adjournment was sought by the learned counsel for the judgment debtor and the auction purchaser. Now the matter is listed before the Executing Court on 04.02.2026.

7. The argument of the learned counsel for the petitioner that the inaction by the respondent amounts to contempt under Section 16 of the Contempt of Courts Act, 1971, deserves to be rejected. Firstly, the present petition itself has not been filed under Section 16 of the Contempt of Courts Act, 1971. Secondly, as is evident from the facts narrated above, the earlier incumbent was transferred and thereafter the matter was listed before the present respondent. All the *zimni* orders reveal that the arguments were not addressed by the parties and repeatedly adjournments were sought. The Executing Court possibly cannot be held liable for any violation of the order passed by this Court on 08.04.2025 in view of the fact that it is the counsel for the parties who are repeatedly seeking adjournments. The learned counsel for the petitioner, while insisting that the Presiding Officer has committed contempt, has pointed out to the application (Annexure P-3) moved by the petitioner for correction in the order dated 19.05.2025 which application states

that the petitioner had filed a copy of the written arguments on 19.05.2025 which fact has not been noticed in the said order. The relevance of referring to the said application by the counsel for the petitioner to the present case is not understandable.

8. When the parties themselves are repeatedly seeking adjournments, it is not comprehensible as to how the Courts can be held responsible for not deciding the matter. Neither is there any document which has been placed on the record nor it has been argued that any application was filed for correction of the orders stating therein that the orders, as recorded by the Court, were incorrect and that no adjournments were sought by the counsel for the petitioner.

9. In view of the above, I do not find any merit in the present contempt petition and the same is accordingly dismissed with ₹20,000 as costs. Costs be deposited by the petitioner with the District Legal Services Committee, Faridabad. It is made clear that the case shall only be heard by the Executing Court on production of the receipt evidencing deposit of the costs. Copy of this order be also forwarded to the Executing Court concerned.

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

16.01.2026
Aman Jain

(ALKA SARIN)
JUDGE

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