

(2001) 07 P&H CK 0195

High Court Of Punjab And Haryana At Chandigarh

Case No: COCP No. 1077 of 1998

Gurjant Singh

APPELLANT

Vs

Gurdev Singh

RESPONDENT

Date of Decision: July 30, 2001**Acts Referred:**

- Contempt of Courts Act, 1971 - Section 10, 12, 2

Citation: (2001) 4 RCR(Civil) 82 : (2001) 4 RCR(Criminal) 35**Hon'ble Judges:** R.L. Anand, J**Bench:** Single Bench**Advocate:** Mr. J.S. Brar, for the Appellant; Mr. H.S. Kathuria, for the Respondent**Final Decision:** Allowed

Judgement

R.L. Anand, J.

Gurjant Singh son of Jangir Singh son of Saun Singh has filed the present petition u/s 10 read with Section 12 of the Contempt of Courts Act, 1971 against Gurdev Singh and Charanjit Singh with a prayer that the respondents have violated the order dated 20.2.1985 passed by the Hon"ble High Court in RSA No. 2660 of 1984.

2. The case set up by the petitioner is that in the said RSA Hon"ble Mr. Justice S.S. Kang vide his order dated 20.2.1985 was pleased to restrain the parties from alienating the property in dispute, but in spite of the directions which were passed in the presence of the counsel for the parties, Gurdev Singh, respondent No, 1 executed the sale deed on 27.4.1998 for a consideration of Rs. 1,37,000/- in favour of Charanjit Singh, respondent No. 2.

3. Notice of the application was given to the respondents. Respondent No. 1 filed the reply and admitted that he executed the sale-deed, but, according to him, it was executed by him on behalf of Gurjant Singh also as well as on behalf of Major Singh and Baldev Singh and the money was paid to them. In support of his submission the respondent No. 1 has placed on record copy of the agreement dated 27.4.1998.

4. I have heard the learned counsel for the parties and with their assistance have gone through the record of this case and in my opinion respondent No. 1 Gurdev Singh has flouted the directions dated 20.2.1985 passed by this Court. It is prima facie established on the record that Gurdev Singh executed the sale-deed for a consideration of Rs. 1,37,000/- in favour of Cha-ranjit Singh when he was restrained to do so. Even Gurdev Singh also admits that he had executed the sale-deed but he wants to take the shelter of document Annexure R-1, the so-called agreement, by stating that Gurjant Singh was also aware about that sale-deed. This sale-deed is not signed by Gurjant Singh. It is exclusively signed by Gurdev Singh, respondent No. 1. If Gurjant Singh was willing to execute the sale-deed, there was no difficulty on his part to become a party along with Gurdev Singh. Moreover, in the agreement Annexure R-1 Gurjant Singh has been shown the son of Dalbir Singh, which is not a fact. Rather, he is the son of Jangir Singh. The so-called agreement Annexure R-1 states that Baldev Singh, Major Singh and Gurjant Singh have received the amount of their share and in case any wrong is done they shall be responsible and the same shall be compensated from their land. This document was executed on 27.4.1998. If Gurjant Singh had received the money or had ratified the sale-deed, there would have been some hue and cry on behalf of Baldev Singh. There appears that the document Annexure R-1 has been fabricated just to escape the liability.

5. Section 2(c) of the Contempt of Courts Act, 1971 defines civil contempt, which means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a Court. Since the order dated 20.2.1985 was passed in the presence of the learned counsel for the parties and Gurdev Singh even admits the passing of the order, therefore, I am of the opinion that he has flouted the directions of this Court and so he is guilty for the civil contempt which is punishable u/s 12 of the Act.

6. Resultantly, this contempt petition is allowed and Gurdev Singh is ordered to be punished with a simple imprisonment for a term of four months. He is also directed to pay a fine of Rs. 2,000/-. In default of payment of fine he shall undergo simple imprisonment for one month. Ordered accordingly. Let the copy of this order be sent to Chief Judicial Magistrate, Bathinda, who shall implement this order. I may also make a mention that the sale-deed allegedly executed by Gurdev Singh will not have any effect on the rights of the parties to the appeal.

7. Before I part with this order, the learned counsel for the respondent No. 1 submitted that Gurdev Singh has tendered unconditional apology, therefore, he may be excused if it is established that he has committed any contempt of Court. The learned counsel for respondent No. 1 submits that to the appeal Gurdev Singh was not a party, rather his father was a party. I repel both the submissions raised by the learned counsel for the respondent No. 1. Gurdev Singh in his reply has admitted that he executed the sale-deed. He has taken a false plea. Disobedience to the judicial orders is on the rise and this tendency has to be curbed. In these

circumstances, I reject the request of the learned counsel for respondent No. 1 for apology.

8. Petition allowed.