

(2020) 08 SHI CK 0371

In the High Court Of Himachal Pradesh

Case No : COPC No. 129 Of 2020 In CMPMO No. 355 Of 2015

Kam Raj And Others

APPELLANT

Vs

Jagdish Chander And Another

RESPONDENT

Date of Decision : 27-08-2020

Acts Referred:

Citation : (2020) 08 SHI CK 0371

Hon'ble Judges : Tarlok Singh Chauhan, J

Bench : Single Bench

Advocate : Rupinder Singh Thakur, Bhupinder Thakur

Final Decision : Dismissed

Judgement

Tarlok Singh Chauhan, J

1. The petitioners seek to initiate contempt proceedings against the respondents on the ground that they have willfully and intentionally disobeyed the judgment dated 28.08.2018 passed by this Court in CMPMO No.355 of 2015, titled Kam Raj and others vs. State of H.P. and others.

2. It would be noticed that even earlier the petitioners had approached this Court by filing Contempt Petition No.180 of 2019 which was finally decided on 15.10.2019 and the following order came to be passed:

"Since the order passed by this Court on 28.08.2018 in CMPMO No. 355 of 2015 stands complied with inasmuch as amount of compensation of Rs.26,17,914/- stands deposited in the Registry of this Court, therefore, no further action is required to be taken in the matter.

2. Consequently, the present contempt petition is disposed of as having been rendered infructuous with efflux of time."

3. Now, the grievance of the petitioners is that the respondents were required to deposit Rs.1,11,50,955/- and against which, they have only deposited Rs.

49,65,000/- and thus, there is a short fall of Rs.61,85,958/-.

4. Having heard the learned counsel for the parties, I am of the considered view that the instant petition is totally misconceived and not maintainable. It was after the deposit of the compensation that this Court recorded its satisfaction and held the contempt petition to be infructuous with efflux of time. The said order was passed in presence of the counsel for the petitioners and no objection to the same was taken at that time.

5. The petitioners may have remedy elsewhere but cannot resort to contempt proceedings as there is neither willful conduct nor intention on the part of the respondents particularly after passing of the order dated 15.10.2019.

6. No case for issuance of notice is made out to the respondents. Accordingly, the instant petition is dismissed.

7. However, it is made clear that in case the petitioners are still aggrieved, they may resort to such remedy as may be available to them under the law.