

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.8019/2022

(Arising out of impugned final judgment and order dated 07-03-2022 in CR No. 716/2022 passed by the High Court Of Punjab & Haryana At Chandigarh)

AMRISH KUMAR JINDAL

Petitioner(s)

VERSUS

M/S GANESH IRON STORE & ORS.

Respondent(s)

WITH

SMC(C) No. 3/2022 (XVII)

Date : 13-07-2022 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

By Courts Motion

For Petitioner(s)/
Respondent(s)

Mr. P. S. Patwalia, Sr. Adv.
Mr. Punit D. Tyagi, Adv.
Mr. Karan Dewan, Adv.
Miss Aanchal Jain, AOR

Mr. Anurag Pandey, AOR
Ms. Reena Pandey, Adv.

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Divyesh Pratap Singh, AOR
Mr. Vikram Pratap Singh, Adv.
Mr. Sanjay Singh, Adv.
Mr. Aniket Jain, Adv.
Mr. Siddharth Jain, Adv.
Mr. Umang Shankar, AOR

Mr. M. K. Ghosh, Adv.
Ms. Tina Garg, AOR

UPON hearing the counsel the Court made the following
O R D E R

We are shocked and surprised that the contemnors even considered that they could get away with what they tried i.e. after the Court's order multiple proceedings were initiated in different Courts through different family members and associates to frustrate the decree of the Court. An unconditional apology has been tendered but we cannot let the matter rest at that as such an endeavor sends a very wrong signal to the society. We specifically posed a question to the contemnors whether they were legally advised with full knowledge of the prior proceedings, they admit so and on Court's query they have given the names as H. S. Narang, Shiv Sharma, Amarjeet Kaur Sarang and V. K. Kalsi, Advocates. We call upon the petitioners to file a list of all the advocates who filed different proceedings along with particulars and we consider it appropriate to issue notice to all the counsels who played a role in this process to defeat orders of the Court.

We are informed that the main concerned person amongst the contemnors is Mr. Ashok Kumar who is partner of the respondent.

In view of the position aforesaid, even though unconditional apology has been tendered by all the contemnors we are not willing to accept the said apology without consequences. An apology can only be a redeeming factor and that aspect we are taking into account while considering the issue of sentence.

We hold that all the respondents are guilty of wilful contumacious contempt of this Court.

Now turning to the issue of sentence. In view of the

unconditional apology we are inclined to take a little more lenient view on the issue of sentence and thus impose a fine of Rs.2,000/- on each of the contemnors and sentence them till the rising of the Court.

We also consider it appropriate that the litigation costs of the present proceedings be compensated by the contemnors quantified at Rs.5,00,000/-. The amount be deposited in this Court within a period of four weeks and be released to the petitioners.

List for further proceedings for consideration qua the other parties/lawyers to whom we have considered it appropriate to issue notice who are stated to have advised the parties to traverse this disastrous path seeking to circumvent orders of the Court. As officers of the Court they have a higher responsibility to advise the clients properly rather than the advise they gave including initiation of proceedings challenging the allotment to the petitioner's father under the garb of a public interest suit.

Mr. Ashok Kumar and Purish Singla both contemnors will again remain present in Court on the next date when we consider the issue of the lawyers.

The person who is alleged to have initiated public interest suit one Mr. Rajesh Marwaha is also present as contemnor in Court today. We have repeatedly put to him the question that he should say under whose influence he has carried out this suit but he seeks to make excuses by only saying that he was looking for a plot and in that process he started this litigation. We do not accept this explanation. We are inclined to sentence him for a longer period of time but learned senior counsel submits that he will file an

affidavit explaining his position and the sentence to the extent of his imprisonment may be deferred while maintaining the same fine at proportionate costs.

List on 01st August, 2022.

(RASHMI DHYANI PANT)
COURT MASTER

(POONAM VAID)
COURT MASTER