



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

113

COCP-4499-2025

Date of decision: 04.09.2025

DINESH KHANNA

..Petitioner

Versus

AJAY KUMAR

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sandeep Sharma, Advocate with
Mr. Rohan Moudgill, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. The contempt petition has been filed alleging deliberate and intentional disobedience of order dated 13.01.2025 passed in CWP-33734-2024, which is reproduced as under:-

“4. Considering the fact that the acquisition proceedings in the present case commenced vide notification dated 09.01.2018 issued under Section 3 A of the National Highways Act, 1965 and the arbitration proceedings commenced in July 2023, this petition is disposed of with a request to learned Arbitrator i.e. respondent No.3 to expedite the proceedings pending before him as far as possible, in accordance with law and preferably to conclude the same within a period of 06 (six) months from today.”

2. Learned counsel for the petitioner submits that despite the aforesaid order, no meaningful steps have been taken by respondent and, therefore, the inaction amounts to contempt.



3. I have heard learned counsel and carefully examined the record.

4. On a bare reading of the extracted portion of the order dated 13.01.2025, passed in CWP-33734-2024, it is evident that this Court did not issue any mandatory direction to the learned Arbitrator to conclude the proceedings within a fixed timeframe. The operative portion of the order merely contains a request to expedite the proceedings and an expectation that the same be concluded “preferably” within six months. The use of such qualified expressions clearly indicates that the time frame was directory in nature and not a binding mandate.

5. It is a settled principle of law that for an action to constitute contempt, there must be willful and intentional disobedience of a clear, specific and unambiguous direction of the Court. Where the order itself is couched in recommendatory or directory terms, its non-compliance cannot, by any stretch, be construed as contempt.

6. In the present case, as the order dated 13.01.2025, passed in CWP-33734-2024 only required the Arbitrator to make an endeavour to conclude the proceedings expeditiously, no willful disobedience so as to constitute contempt is made out.

7. This clearly indicates that there has been no violation or disobedience of the order dated 13.01.2025 passed by this Court. Despite having due knowledge of the legal position that the contempt petition is not maintainable since there is no disobedience of any order passed by this Court still the present contempt petition is filed, which is a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court.



8. Similar matter has already been dealt with by this Court in **COCP-3579-2025** decided on 24.07.2025 titled as “**Payal Chaudhary V/s KAP Sinha IAS and others**”, while placing reliance on the judgments passed by Hon’ble Supreme Court in case titled as “**Dalip Singh V/s State of Uttar Pradesh and others (2010) 2 SCC 114, Subrata Roy Sahara V/s Union of India (2014) 8 SCC 470 and K.C. Tharakan V/s State Bank of India & Ors. Passed in Writ Petition (Civil) Diary No(s).27458/2022**”.

The relevant paragraphs of **Payal Chaudhary (supra)** are reproduced as under:-

“9. It is evident that the petitioner has engaged in what can only be described as a frivolous and vexatious litigation spree, seemingly driven by a misplaced sense of grievance. Such conduct constitutes a gross abuse of the judicial process and contributes significantly to the burgeoning pendency of cases before this Court. The tendency of litigants to misuse the judicial forum by engaging in forum shopping, filing repetitive and meritless petitions, and adopting dilatory tactics undermines the very foundation of our legal system and clogs the administration of justice.

10. The Hon’ble Supreme Court, in **Dalip Singh Vs. State of Uttar Pradesh and others (2010) 2 SCC 114**, has cautioned against this emerging category of unscrupulous litigants who, devoid of respect for truth, resort to falsehood and unethical practices in their pursuit of relief. The Supreme Court emphatically held that such litigants, who seek to pollute the stream of justice or who dare to touch the fountain of justice with unclean hands, are not entitled to any relief, interim or final. Relevant extracts of the same is reproduce as under:-

“In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood



and unethical means for achieving their goals. Courts have evolved new principles to curb such abuse, and it is now well established that a litigant who attempts to pollute the stream of justice or touches the pure fountain of justice with tainted hands is not entitled to any relief, interim or final.”

11. *The petitioner’s conduct in instituting frivolous litigation has resulted in a gross misuse of the judicial process, thereby squandering the valuable time and resources of this Court. It is imperative, in the interest of justice, that bona fide and timely claims are adjudicated expeditiously, without being impeded by vexatious and unscrupulous litigation. At this juncture, reference may be made to the pertinent observations of the Hon’ble Supreme Court in **Subrata Roy Sahara v. Union of India (2014) 8 SCC 470**, wherein the Court lamented the pervasive malaise of frivolous litigation afflicting the Indian judicial system. The Hon’ble Apex Court observed as under:-*

“The Indian judicial system is grossly afflicted with frivolous litigation. Ways and means need to be evolved, to deter litigants from their compulsive obsession towards senseless and illconsidered claims. One needs to keep in mind, that in the process of litigation, there is an innocent sufferer on the other side of every irresponsible and senseless claim. He suffers long drawn anxious periods of nervousness and restlessness, whilst the litigation is pending, without any fault on his part.”

12. *The Hon’ble Supreme Court has consistently emphasized the need to deter frivolous appeals and petitions by imposing exemplary costs on the litigating parties. In Writ Petition (Civil) Diary No(s). 27458/2022 titled as **K.C. Tharakan v. State Bank of India & Ors.** decided on 01.05.2023, the Hon’ble Apex Court held as follows:*

“No legal system can permit a situation wherein a party repeatedly agitates the same issue after it has been conclusively adjudicated by the highest judicial forum. Such conduct amounts to a gross misuse of the judicial process and results in a significant waste of valuable judicial time. Accordingly, the present writ petition is dismissed with costs. However, taking into consideration



that the petitioner is a dismissed employee, we deem it appropriate to impose a nominal cost. The writ petition is, therefore, dismissed with costs quantified at ₹10,000/-, to be deposited with the Supreme Court Advocates-on-Record Welfare Fund, to be utilized for the benefit of the SCBA Library.”

9. In view of the above referred to judgments, this Court is firmly of the opinion that the instant petition constitutes a glaring instance of misuse of the judicial process. It is, therefore, incumbent upon this Court to safeguard the sanctity of judicial proceedings and to prevent their exploitation by unscrupulous litigants. The time and resources of this Court are limited and must be reserved for *bona fide* grievances that merit judicial consideration.

10. As a sequel to above discussion, and with intention of conveying a strong deterrent message, this Court deems it just and proper to impose costs upon the petitioner.

11. Accordingly, the present contempt petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand only) for filing such kind of frivolous contempt. The said amount shall be deposited by the petitioner within a period of two weeks from the date of this order with Punjab Chief Minister Relief Fund, A/c 001934001000589, IFSC Code: TPSC0000019, Punjab Civil Secretariat 1 Branch.

12. In the event of default in compliance, the amount shall be recovered from the petitioner as arrears of land revenue by the competent authority.

September 04th, 2025
Sahil

(SUDEEPTI SHARMA)
JUDGE

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