

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 4323 of 2022

Applicant :- Sagar Sonkar And 4 Others

Opposite Party :- Gopal Chandra, And 3 Others

Counsel for Applicant :- Dinesh Kumar Singh

Counsel for Opposite Party :- Shalini Goel, Rama Goel Bansal

Hon'ble Rohit Ranjan Agarwal, J.

This contempt application under Section 12 of Contempt of Courts Act has been filed for punishing the opposite party for violating the interim order granted on 18.04.2022 in Matter under Article 227 No. 1165 of 2022, which reads as under:-

"Heard learned counsel for the petitioners.

The petitioners by means of the present writ petition under Article 227 of Constitution of India have assailed the order dated 03.01.2022 passed by District Judge, District Mathura and order dated 02.11.2021 passed by Additional Civil Judge (Junior Division), Court No.1, District Mathura.

It is submitted that both the courts below while rejecting the temporary injunction application of the petitioners have failed to consider that against Amin report, petitioners have submitted objection. It is further submitted that even perusal of Commissioner's report shows that egress to the road from the house of the petitioners is only 3 fit road which connects to 7 fit road and both the courts below have failed to appreciate this aspect of the matter that in case construction is raised over the property in question, there is no passage left to the petitioners to move out from their house.

Matter requires consideration,

Issue notice to respondents returnable at an early date.

All the respondents are granted four weeks time to file counter affidavit. Four weeks, thereafter, is allowed to the petitioners for filing rejoinder affidavit. Until further order of this Court, both the parties are restrained from raising any construction over the property in dispute.

List on 11.07.2022."

It is contended by learned counsel for the applicant that subsequent to order dated 18.04.2022 whereby the writ Court had required the parties not to raise any construction over the property in dispute, the opposite party started making construction on 18.07.2022. The

said fact has been stated in para no. 21 to affidavit to contempt application.

A counter affidavit has been filed on behalf of opposite party wherein in para no. 27, it has been stated that construction as alleged in the contempt application was made prior to 18.04.2022 and not subsequent to the order passed by writ Court restraining the construction to be made over the property in dispute.

Learned counsel for the applicant fairly submitted that whatever construction opposite party has made but it should be restrained from making any further construction in future.

Learned counsel for the opposite party has given an undertaking that no constructions will be made over the property in dispute and whatever constructions has been made prior to the grant of interim order by writ Court will exist.

In view of said fact, the contempt application stands disposed of directing both the parties to maintain status quo and not raise any construction over the property in dispute and maintain the order passed by writ Court dated 18.04.2022.

It is made clear that both the parties shall abide by the orders passed by writ Court and shall not make any construction till the writ petition is decided.

Order Date :- 6.12.2023

V.S.Singh