

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 7236 of 2022

Applicant :- Smt. Kewala Devi

Opposite Party :- Ajay Chauhan And 6 Others

Counsel for Applicant :- Prabhakar Tripathi, Ajay Kumar Mishra

Counsel for Opposite Party :- Rakesh Kumar Mishra

Hon'ble Rohit Ranjan Agarwal, J.

Heard learned counsel for the applicant as well as counsel appearing for the opposite party.

The opposite party No.1 had filed Writ- B No.2481 of 2022 wherein an interim order was passed on 19.10.2022, which is as follows:

"Heard learned counsel for the petitioners, learned Standing Counsel representing respondent nos. 1 and 3 and learned counsel for the caveator-respondent no. 2.

Grievance of the petitioners is that the Deputy Director of Consolidation has illegally discarded the registered will deed dated 22.12.2010 said to have been executed by the maternal-grand-father of the petitioners in their favour.

It is submitted that on the basis of the registered will deed dated 22.12.2010 the petitioners have moved an application under Section 12 of U.P.C.H. Act which was allowed vide order dated 23.01.2017. When they have tried to mutate their name in the revenue record, they came to know for the first time that the order dated 15.09.2016 has already been passed in favour of respondent no. 2 (maternal-grand-mother of the petitioners) on the basis of succession, being wife of recorded tenure holder. Having been aggrieved, the petitioners have filed an appeal which was allowed on the basis of the compromise. The Deputy Director of Consolidation, on revision being filed on behalf of respondent no. 2, has reversed the order passed by the Settlement Officer of Consolidation treating the compromise suspicious. He has also questioned the legality and validity of the will deed said to have been executed in favour of the petitioners. It is submitted that at all the stages respondent no. 2 has filed her personal affidavit in support of the petitioners, even then she has filed revision for some ulterior motive.

It is contended by the Learned counsel for the respondent that suit for cancellation of will deed has already been filed, which is pending consideration.

The matter requires consideration.

Respondents pray for and are granted three weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List on 13.12.2022.

Till the next date of listing parties are directed to maintain status quo with respect to the nature and possession of the land in question. It is made clear that in the meantime no third party right shall be created over the property in question."

The present contempt application has been filed by the applicant, who is respondent No.2 in the writ petition, alleging that she has been dispossessed from property in dispute and the interim order granted by writ Court for maintaining status quo has been violated.

A compliance affidavit has been filed wherein, in para 15, it has been stated that the opposite party, who is petitioner in the writ petition, was in possession over the property in dispute on the basis of Will and has been cultivating the land.

Prima facie this Court finds that no case for contempt is made out as interim order has not been violated by the opposite party, which was granted in favour of him by the writ Court. As the writ petition is still pending, no case for contempt is made out.

Dismissed.

Contempt notice stands discharged.

Order Date :- 20.11.2023

Kushal