

COCP No.2471 of 2014

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

**COCP No.2471 of 2014
Date of decision:28.05.2015**

Satpal and others

...Petitioners

Versus

Ravinder Malik and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Gobind Dhanda, Advocate, for
Mr. Ram Pal Verma, Advocate, for the petitioner.

Rakesh Kumar Jain, J.

The petitioners have prayed for initiation of contempt proceedings against the respondents for their alleged willful and intentional disobedience of the order dated 22.05.2002 and 29.11.2004 passed by this Court.

In brief, respondent no.5 filed a suit for declaration against the petitioners that the decree dated 06.03.1987 passed in Civil Suit No.59/1987 is illegal and not binding on her rights. The said suit was dismissed by the trial Court on 17.05.2001 but the appeal filed by respondent no.5 was allowed on 13.10.2001, declaring that the plaintiff-respondent no.5 is owner in possession of the suit land and the judgment and decree dated 06.03.1987 passed in Civil Suit No.59/1987 was illegal. In the second appeal filed by the petitioners, execution of the decree was ordered to be stayed on 22.05.2002 and the appeal was admitted on 29.11.2004 with interim order to

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continue.

The petitioners have filed this petition for initiation of contempt proceedings against the respondents much-less respondent no.5 on the ground that the land in dispute has been sold in favour of respondent no.6 on 02.08.2013. It is, thus, submitted that the respondents have committed contempt of the order of this Court.

As a matter of fact, the lower Appellate Court, vide its judgment and decree dated 13.10.2001, only declared that the plaintiff is the owner in possession of the suit land and the judgment and decree against her passed on 06.03.1987 in the Civil Suit No.59/1987 titled as "Satpal v. Smt. Bhawani" was illegal and set aside. There was hardly any reason for the decree-holder/respondent no.5 to execute the said decree because the declaratory decree only declared the pre-existing rights of the plaintiff-respondent no.5. If the petitioners were interested in any restraint order in the second appeal before this Court, they should have opted for an application for temporary injunction restraining the plaintiff-respondent no.5 from alienating the suit property, without orders of the Court, but insofar as the facts and circumstances of the present case are concerned, no such violation has been committed by the plaintiff-respondent no.5 as the decree has not been executed.

In view thereof, I do not find any merit in the present contempt petition and hence, the same is hereby dismissed.

May 28, 2015
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(Rakesh Kumar Jain)
Judge