

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

COCP No.604 of 2015
Date of Decision:18.03.2015

Nirmal Singh

. . . . Petitioner

Vs.

Harish Kumar and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.HPS Ghuman, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has invoked the provisions of the Contempt of Courts Act, 1971 [for short 'the Act'] for willful disobedience of the order passed by this Court on 2.9.2013.

Briefly stated, the petitioner alleged to have obtained a decree dated 16.10.2000 against respondent No.2, who alleged to have purchased the suit land on 15.10.2003 from one of the decree-holders, namely, Sukhdev Singh son of Jai Singh and became a co-owner and filed a suit for separate possession of his share i.e. 50/434 share impleading the decree-holder as a party in which both the parties were directed to maintain status quo regarding possession and construction of the suit property vide order dated 6.3.2010 against which the appeal filed by the decree-holder is pending. The petitioner/decreed-holder filed a suit for permanent injunction to restrain respondent No.2 and other co-sharers from alienating the suit property by way of sale deed, lease mortgage, exchange, gift etc. more than their share without getting the suit property partitioned by metes and bounds. The

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suit was decided on 12.10.2010. The Executing Court vide its order dated 21.1.2012 allowed the objections and dismissed the execution application which was challenged by the petitioner by way of CR No.1561 of 2012. The said revision was allowed by this Court on 2.9.2013, rejecting the objections of the judgment-debtor and directed that execution shall be proceeded but after the order passed by this Court on 2.9.2013. The respondent No.2 has again filed objection alleging that respondent No.1 (Civil Court) is flouting the order dated 2.9.2013.

Learned counsel for the petitioner has thus argued that in view of the violation of order passed by this Court on 2.9.2013, the respondents/contemnors be proceeded against in terms of the provisions of Act.

I have heard learned counsel for the petitioner and after perusing the record with his able assistance, am of the considered opinion that in such circumstances, the only remedy available with the petitioner is to file a revision to challenge the interlocutory order against which the petitioner has a grievance but the contempt petition is not the answer. Consequently, the present petition is hereby dismissed being not maintainable.

18.03.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**