

CR No. 2193 of 2014

DATE OF DECISION : 24.07.2015

Ram Singh

.....Petitioner

Versus

Satbir Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present : Mr. C.B. Goel, Advocate
for the petitioner.

Mr. Rakesh Dhiman, Advocate
for respondents No.1 to 3.

M.M.S. BEDI, J. (ORAL)

Plaintiffs-respondents No.1 to 3 had filed a suit for specific performance against the petitioner besides seeking injunction to restrain him from alienating the property in dispute. The petitioner had been restrained to alienate the property during the pendency of the suit on the basis of statement made by his General Power of Attorney/respondent No.4. The petitioner, as a defendant, however, alienated the property violating the interim order of the Court in favour of one Roshni Devi.

An application under Order 39 Rule 2(A) CPC was filed by the plaintiffs-respondents No.1 to 3. The application was allowed and petitioner was convicted for having violated the interim order by alienating the property through his General Power of Attorney holder-Randhir Singh, respondent No.4 vide order dated 3rd March, 2012 by Civil Judge (Junior Division), Gurgaon and was sentenced to undergo civil imprisonment for a period of one month. The appeal filed was also dismissed confirming the conviction.

Learned counsel for the petitioner has submitted that the suit of the plaintiff-respondents No.1 to 3 for specific performance has been decreed and the decree stands executed. The sale deed executed by the petitioner in favour of Roshni Devi has been set aside in the decree and that the possession has been delivered to the plaintiffs-respondents No.1 to 3.

Learned counsel for respondents No.1 to 3, on the other hand, strongly opposed the revision petition and submitted that concurrent findings have been recorded against the petitioner.

Taking into consideration these subsequent events, this Court is of the opinion that objective of the civil contempt proceeding is to implement the orders of the Court not to send the contemner behind bars. The said objective has been achieved by the due process of law. The sale deed executed by the petitioner through his Attorney has been set aside and the property stands transferred pursuant to the execution of the decree passed in favour of the plaintiff-respondents No.1 to 3.

In view of the said circumstances, the order convicting and sentencing the petitioner to undergo civil imprisonment for one month is hereby set aside on account of the interim order having merged into final order and the decree passed in favour of plaintiffs having already been executed.

Allowed in the above terms

July 24, 2015
Dpr

(M.M.S. BEDI)
JUDGE