

**Sr. No.804
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Civil Revision No.5710 of 2009
Date of Decision.26.08.2015**

Bhola Singh

.....Petitioner

Versus

Balwinder Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Ms. Rajwinder Kaur, Advocate,
for Mr. Tribhuwan Singla, Advocate,
for the petitioner.

None for the respondents.

K. KANNAN J. (ORAL)

The revision is against the order imposing a punishment of imprisonment for one month for alleged disobedience of the order of injunction. The injunction issued was for restraint against alienation. The petitioner created a mortgage on 12.07.2005 and the plaintiff moved an application complaining of disobedience on 11.08.2005. The defendant stated that he was under the wrong impression that alienation meant only sale and was not aware that it included even a transaction of mortgage. The mortgage was soon redeemed on 30.01.2006. The Court accepted the defendant's

contention and dismissed the petition for contempt for disobedience of the Court's order. The Appellate Court reversed the decision and imposed the punishment referred to above. Alienation is a technical expression. If the defendant said that the restraint against alienation was conceived by the party as applied only to sale and not to mortgage, I will not take the explanation to be false. It is quite likely that party did not understand the import of the Court's order. I think the Court has been unduly harsh in punishing him for disobedience. I urge the petitioner to file an affidavit before trial Court expressing regret for acting in the manner that that he did, within a period of two weeks by way of an affidavit. If such an affidavit is filed and the matter will be treated as closed and the order already passed stands set aside. If affidavit is not filed, as directed, the order passed already shall stand restored.

The revision petition is disposed of.

(K. KANNAN)
JUDGE

August 26, 2015

vandana