

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 4675 of 2014 (O&M)

Date of decision : 20.3.2015

Atmi

... Petitioner

vs

Sher Singh and others

... Respondents

Coram : Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Balkar Singh, Advocate for the petitioner.

Rajesh Bindal, J.

The plaintiff is before this Court impugning the orders passed by Civil Judge (Junior Division), Yamuna Nagar at Jagadhri dated 11.3.2011 whereby the application filed by her under Order X XXIX Rule 2-A CPC was dismissed and the order dated 1.2.2014 whereby the appeal against the same was dismissed.

The learned Lower Appellate Court has specifically dealt with the issue in para 17 of the judgment and opined that the suit, interim injunction granted wherein was alleged to have been violated, was itself dismissed as withdrawn. The para 17 is extracted below:-

“17. Thus, in view of the afore discussed, firstly the application for initiating contempt proceedings against the respondents is not maintainable as main suit in which alleged violation had been made has itself been withdrawn by the appellant; no further suit was filed thereafter; it is a matter of record that a similar suit with similar cause of action was already pending at the instance of the appellant and was dismissed on merit for 22.9.2009 in which there was a specific finding that appellant was not widow of Antu Ram, as alleged. Moreover, even otherwise upon appreciation of evidence adduced by the appellant in this case it is seen that other

than her sole statement that she was in possession of the suit land there was no other cogent evidence to prove her stand that she was tried to be dispossessed by the respondents, as alleged or that there was any violation of the interim order passed by the Court.”

As the suit, interim order passed wherein was allegedly violated, has itself been withdrawn and further two courts have gone into the plea raised by the petitioner, I do not find any good reason to interfere in the present petition. Accordingly, the same is dismissed.

20.3.2015
vs.

(Rajesh Bindal)
Judge