

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN No. 1173 of 2016

Date of Decision: December 05, 2016

Yadwinder Singh @ Binder

...Petitioner

Versus

Avtar Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Hari Om Verma, Advocate
for the petitioner.

Mr. Pritam Singh Saini, Advocate
for the respondents.

AUGUSTINE GEORGE MASI, J. (Oral):

It is an admitted position by the counsel for the petitioner that the possession as it existed prior to the passing of the order dated 06.10.2014 is being maintained by the parties, however, he asserts that the respondent has further made renovation/construction which would be violative of the order dated 06.10.2014 passed by this Court in RSA No.3734 of 2014.

The order as passed by this Court on 06.10.2016 reads as follows:-

“Heard.

Learned counsel for the appellant submits that the plaintiff-respondent had admitted in his statement while appearing as PW-1 that the property in dispute was partitioned in the year 1998 but there was no formal deed

of partition. Both the parties are residing in their separate share.

Notice of motion for 2.2.2015.

In the meanwhile, the parties shall maintain status quo with regard to possession.”

A perusal of the order would show that the parties were directed to maintain the status quo with regard to possession. Since the possession as existed on the date of the passing of the order has not been disturbed by the respondent, it cannot be said that the order has been violated because of the renovation/construction carried out by the respondent in the area which was in his possession.

The contempt petition, therefore, stands dismissed.

Rule issued to the respondent stands discharged.

December 05, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No