

In the High Court of Punjab and Haryana at Chandigarh.

**COCP- 1735 of 2016
Decided on 26.10.2016**

Satnam Singh

--Petitioner

Vs.

Harbhajan Kaur and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. APS Sandhu, Advocate, for the petitioners

Rakesh Kumar Jain,J: (Oral)

This petition is filed under Order 39 Rule 2-A of the Code of Civil Procedure, for initiating contempt proceedings against the respondents for the alleged disobedience of the order dated 23.7.2010, passed by this Court.

The facts given to me in the Court are that the petitioner set up a Will to claim title over the property in dispute, whereas the respondents claimed title on the basis of a sale deed. A suit for declaration was filed by the petitioner to the effect that he is the owner of the property in question by way of a Will and the sale deed in favour of respondent No.1 is null, and void. The said suit was dismissed. However, the appeal filed by the

petitioner was allowed on 23.1.2001 upholding the Will in favour of the petitioner.

While the appeal was pending, respondent No.1 Sadha Singh entered into an agreement on 23.5.2006 to alienate the property in dispute. Sadha Singh also filed a suit for specific performance which was decreed on 26.3.2012.

Respondent No.1 Harbhajan Kaur filed RSA No. 2121 of 2010 in which status-quo order was passed by this court on 23.7.2010 which has been allegedly disobeyed. After the decree was passed in favour of Sadha Singh on 26.3.2012, he filed an execution application and the sale deed was executed on 29.4.2013 but since possession was not delivered at the time of execution of the sale deed by Harbhajan Kaur to Sadha Singh, therefore, he got issued warrant of possession.

The petitioner filed a suit for permanent injunction against Sadha Singh, whereas Sadha Singh also filed a suit for permanent injunction against the petitioner claiming their respective possession over the property in question.

This petition is filed on the ground that respondent Nos. 2 and 3 have violated the order dated 23.7.2010 in the first week of April as they had tried to interfere in the possession of the petitioner.

Learned counsel for the petitioner has submitted that the very fact that respondent Nos. 2 and 3 have averred in their petition that they have entered into possession, in a suit for permanent injunction, in the year 2005, shows that they have violated the order of this Court.

After hearing learned counsel for the petitioner and perusing the record, I am of the considered opinion that there is no merit in this

petition because the order of status-quo was passed by this Court on 23.7.2010, whereas Sadha Singh is claiming possession over the property in dispute since 2005.

In view thereof, there is hardly any reason for this Court to issue any notice to the respondents for the alleged disobedience specially when the petitioner is claiming his possession over the property in dispute and filed the suit for permanent injunction in which status-quo order has been passed.

Thus, In view of the above, I do not find any merit in this petition and the same is hereby dismissed.

26.10.2016
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(Rakesh Kumar Jain)
Judge