

Sr. No. 225

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

COCF No. 1858 of 2015

Date of decision:21.07.2016

Bhupinder Singh and others

.....Petitioners

versus

Tara Singh and others

.....Respondents

Coram: Hon'ble Mr.Justice Rakesh Kumar Jain

Present: Mr. Rajesh Narang, Advocate
for the petitioners.

Mr. Sanjeev K.Virk, Advocate
for respondents No. 1 to 5 and 8 to 18.

Mr. Anant Kataria, DAG, Punjab
for respondents No. 6 and 7.

Rakesh Kumar Jain, J.(Oral)

This petition is filed for the alleged disobedience of the Order dated 7.07.2015(Annexure P-1) wherein at the time of issuance of notice of motion, status quo regarding possession was ordered to be maintained.

Learned counsel for the respondents has submitted that the possession was delivered to the decree holder/respondent on 8.06.2015 whereas, according to counsel for the petitioner it was delivered on 8.07.2015.

Be that as it may, there is no averment in the petition that the respondent had willfully disobeyed the order dated 7.07.2015 whereas the word “*willful disobedience*” is a *sin quo non* to attract the provision of Section 10 of the Contempt of Courts Act, 1971. There is also no averment that the respondent had the knowledge of the order dated 7.07.2015 which is alleged to have been violated.

In view thereof, I do not find any merit in the present petition.
Therefore, the same is hereby dismissed.

21st July, 2016

Shivani Kaushik

[Rakesh Kumar Jain]
Judge