

COCP No.261 of 2016

[1]

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

**COCP No.261 of 2016
Date of decision:08.02.2016**

Pawanjit Singh

...Petitioner

Versus

Sahil Kumar

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

The earlier contempt petition bearing COCP No.3057 of 2015,
filed by the petitioner, was dismissed on 04.12.2015 by a detailed order.

The operative part of the said order reads as under:-

“....Learned counsel for the petitioner has submitted that the respondent has sold the land out of the land in question and is also raising construction. He has referred to Annexure P-6, which according to him is a sale deed but the said document is only an agreement to sell and it is not clear whether the construction is being raised on the land measuring 22 bigha, 6 biswa and 6 biswani, which was allegedly in exclusive possession of the petitioner after partition for which status quo was granted regarding possession by this Court, or on some other land.

In view thereof, not only the pleadings are deficient but there is no disobedience of the aforesaid orders as alleged and hence, the present petition is found to be without any merit.”

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Learned counsel for the petitioner has submitted that the petitioner is the owner of 5 acres of land, which is separate from the land measuring 22 bigha, 6 biswa and 6 biswani. It is also submitted that the *status quo* has been granted by this Court regarding possession of both sets of the land.

I have heard learned counsel for the petitioner and examined the available record.

There is no evidence brought on record by the petitioner to prove that the construction is being raised by the respondent on the land owned by the petitioner measuring 5 acres, about which *status quo* has been ordered to be maintained.

Thus, in the absence of any evidence, notice cannot be issued in this contempt petition and hence, the same is hereby dismissed.

February 08, 2016
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(Rakesh Kumar Jain)
Judge