

COCP No.317 of 2014

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No.317 of 2014

Date of Decision: July 21, 2016

Pal Singh & another

...Petitioners

Versus

Shri Balwinder Singh Dhariwal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Gurbachan Singh, Advocate
for the petitioners.

Mr. Gaurav Chopra, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASI, J. (Oral):

The contempt of which is alleged to have been committed by respondent No.4 is an order dated 18.12.2012 passed by this Court in CM No.14337-C of 2012, in RSA No.400 of 1996, titled as 'Sukhchain Singh Vs. State of Punjab & another', wherein, the appellant Sukhchain Singh was directed not to raise any construction over the subject property of the case, allotment of which was cancelled as per the orders of the First Appellate Court. Sukhchain Singh has been impleaded as respondent No.3 in the present contempt petition. While issuing notice of motion, this Court has observed in the order dated 05.02.2014 which reads as follows:-

“Learned counsel for the petitioner states that names of respondents No. 1 to 3 may be struck off from the array of respondents as they have nothing to do with the allegation of raising construction in violation of the

orders of this Court. He relies on the report of Tehsildar which is on record as Annexure P-5 to contend that the construction has been raised by Surjan Singh – respondent No. 4.

Notice of motion to respondent No. 4 for 23.09.2014.”

A perusal of the order would show that the contempt petition qua Sukhchain Singh does not survive as his name has been struck off from the array of respondents. The contempt was pursued only qua respondent No.4 Surjan Singh, who also unfortunately had died on 23.11.2015 as per the statement made by the counsel for respondent No.4.

Counsel for the petitioner is unable to show any order which would restrain Surjan Singh from making construction upon the suit property.

In the light of the above, the present contempt petition against respondent No.4 does not survive and the same, therefore, stands dismissed.

Rule issued against respondent No.4 stands discharged.

July 21, 2016
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE