

COCP No.539 of 2016

[1]

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

**COCP No.539 of 2016
Date of decision:16.11.2016**

Ram Singh and another

...Petitioners

Versus

Ramu

...Respondent

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

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

Mr. Avnish Mittal, Advocate,
for the respondent.

Rakesh Kumar Jain, J. (Oral)

This petition is filed under Sections 11 and 12 of the Contempt of Courts Act, 1971, for the alleged willful disobedience by the respondent of the order dated 03.11.2014 passed by this Court in RSA No.3403 of 2012 wherein it was directed that during the pendency of the appeal, none of the parties shall alienate the suit property in any manner.

Counsel for the petitioners has submitted that during the pendency of the appeal much-less the order of stay, the respondent has transferred the suit property by way of relinquishment deed dated 21.08.2015.

Counsel for the respondent, after notice, has filed reply by way of an affidavit of the respondent Ramu, in which he has averred that the relinquishment deed was executed on 21.08.2015 in favour of his two sons without any sale consideration just in order to protect the same as he was

not keeping good health and the life is uncertain. It is also averred that he had three daughters, namely, Poonam, Suman and Sushma, whose marriages were solemnized by him on 03.07.1981, 18.02.2001 and 16.02.2003 respectively and the relinquishment deed has been executed in favour of his two sons in order to avoid further complication and further disputes amongst the siblings. The respondent has also stated in the affidavit that he holds the Court in highest esteem and cannot even think of violating/disobeying the orders of this Court. He has also tendered unqualified apology.

Counsel for the petitioners has submitted that even if the property has been transferred by the respondent in favour of his sons without consideration but he has violated the order passed by this Court as there was a stay on alienation of the suit property in any manner.

In this regard, counsel for the respondent has submitted that he would file an undertaking of the sons of the respondent, to whom the property has been given by way of relinquishment deed, that they would not further alienate the suit property till the second appeal pending before this Court is decided and they would also not create any kind of charge on the suit property.

After hearing learned counsel for the parties and examining the available record, the present contempt petition is hereby disposed of by issuing direction to the sons of the respondent, namely, Rajesh and Yogesh, to whom the suit property has been given by the respondent by way of relinquishment deed dated 21.08.2015, that they would not further alienate the suit property in any manner whatsoever till the second appeal pending in

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this Court is decided, one way or the other, and they would also not create any kind of charge on the suit property.

Thus, in view the above, the rule issued against the respondent is discharged, subject to payment of ₹20,000/- as costs to be paid by the respondent to the petitioners is equal proportion by way of bank draft within a period of two months from today.

November 16, 2016
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned:	Yes/No
Whether Reportable:	Yes/No