

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

Decided on: 02.03.2016

1. CR No.7085 of 2013 (O&M)

Balbir Singh and others

....Petitioners

Versus

Vidya Devi and others

....Respondents

2. COCP No.14 of 2014

Balbir Singh

....Petitioner

Versus

Vidya Devi

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Ms. Sonia G. Singh, Advocate
for the petitioners (in CR No.7085 of 2013)
and for the petitioner (in COCP No.14 of 2014)

Mr. Parminder Singh, Advocate
for respondent No.1 (in CR No.7085 of 2013)
and for the respondent (in COCP No.14 of 2014)

REKHA MITTAL J.

This order will dispose of CR No.7085 of 2013 titled "*Balbir Singh and others vs Vidya Devi and others*" and COCP No.14 of 2014, which has emerged out of the aforesaid civil revision. For the sake of convenience, facts are taken from CR No.7085 of 2013.

The petitioners assailed orders dated 16.10.2013 (Annexure P-3) passed by the Civil Judge (Senior Division), Karnal, whereby application of Vidya Devi-respondent for grant of interim injunction under Order 39 Rules 1 and 2 of the Code of Civil Procedure

(in short 'CPC') was allowed and dated 13.11.2013 (Annexure P-6) passed by the Additional District Judge, Karnal to the extent it did not restrain the respondent/plaintiff from raising construction while dismissing the appeal.

Counsel for the petitioners would contend that the respondent is guilty of violating the order of *status quo* passed by this Court on 21.11.2013 rendering respondent No.1 liable for contempt proceedings.

Counsel for the respondents, on the contrary, would urge that the revision petition was dismissed as withdrawn vide order dated 21.11.2013 passed by this Court. The application filed by the petitioners for appointment of local commissioner has since been dismissed, therefore, there was no occasion for any order of *status quo* being in force till receipt of report of local commissioner. It is further argued that respondent No.1 never violated the order passed by this Court as she is a disciplined member of the society and has great regard for the orders passed by the Court.

I have heard counsel for the parties and perused the records.

The revision petition preferred by the petitioners was dismissed as withdrawn on 21.11.2013 at the stage of preliminary hearing. A relevant extract from order dated 21.11.2013 reads as follows:-

" After arguing at some length, learned counsel for the

petitioners submits that she may be allowed to withdraw this revision petition with limited prayer that till the report of local commissioner is received, status-quo regarding construction be maintained.

Dismissed as withdrawn. It is, however, directed that till the receipt of report of local commissioner, status-quo regarding construction be maintained."

Counsel for the petitioners has not controverted contention of the respondent that application filed by the petitioners for appointment of local commissioner has been dismissed by the learned trial Court. As the Court never appointed any local commissioner, there was no occasion for any report to be received by the Court or the order of *status quo* till that time to have enured to the benefit of the petitioners in order to contend that Vidya Devi-respondent No.1 has violated order of *status quo* passed by this Court. This apart, the order of *status quo* passed by this Court already stands recalled on an application filed by Vidya Devi, respondent No.1. That being so, no ground for initiating proceedings against Vidya Devi for alleged contempt of the Court, is made out.

For the foregoing reasons, CR No.7085 of 2013 and COCP No.14 of 2014 are ordered to be dismissed.

(REKHA MITTAL)
JUDGE

02.03.2016
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