

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

COCP No.953 of 2002(O&M)

Date of Decision:-08.02.2017

Amrik Singh.

.....Petitioner.

Versus

Santokh Singh.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Abhimanyu Batra, Advocate for the Petitioner.

None for the respondent.

JASWANT SINGH, J.(ORAL)

Petitioner/plaintiff had filed a suit for declaration and injunction qua passage which was claimed to be exclusively owned by the petitioner/plaintiff and respondent who had purchased a portion of land from the plaintiff had no right to interfere in the said passage. The respondent/defendant had also filed a counter suit for permanent injunction. The learned trial Court vide judgment and decree dated 6.11.1996 had decreed the suit of the plaintiff while dismissing the suit of the respondent/defendant. The two appeals filed by the defendant were allowed and vide judgment and decree of reversal dated 1.2.2002 whereby the suit for permanent injunction filed by defendant Santokh Singh was decreed and decree in favour of the plaintiff passed by the trial Court was set aside.

petitioner/plaintiff this Court vide order dated 29.04.2002, while issuing notice of motion had stayed the operation of the Appellate Court decree.

In the backdrop of the aforesaid facts, the present contempt was filed with the assertion that during the trial of the suit the defendant/respondent had given an undertaking that he would not put any pipe in the said passage which may cause water to flow in the passage and accordingly was also covered in the decree passed by the trial Court. However, the defendant had after the stay of the appellate Court decree granted in the aforesaid RSAs placed a pipe towards the disputed passage leading to the water flowing in the said land and hence deliberately violated the order.

This Court vide order dated 3.2.2003 had ordered the hearing of the present contempt along with RSA No.1742 of 2002.

At the time of hearing, learned Counsel for the petitioner/plaintiff states that the present contempt petition has become infructuous as both the aforesaid RSAs i.e. Nos.1742 and 1744 of 2002 have since been dismissed vide order dated 18.10.2007.

Dismissed as infructuous.

(JASWANT SINGH)
JUDGE

February 08, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>