IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

COCP No.3087 of 2016

Date of Decision:-29.03.2017

Sewa Singh.

.....Petitioner.

Versus

Subash Chand & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.K. Liberhan, Advocate for the Petitioner.

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JASWANT SINGH, J.(ORAL)

Petitioner-defendant alleges that respondent/plaintiff and the Executing Court have deliberately violated the order dated 3.3.2011 passed in RSA No.627 of 2011 filed by the petitioner/appellant whereby the execution of the decree for specific performance in *totto* was ordered to be stayed.

By referring to the proceedings of the Executing Court dated 6.09.2016 (**P-4**) and 1.10.2016 **(P-5**) it is contended that although the RSA No.627 of 2011 was dismissed in default vide order dated 5.5.2016 (**P-2**) however, the same stood restored vide order dated 12.08.2016 (**P-3**). The fact was brought in the notice of the respondent/plaintiff but still he chose to pursue his pending execution application.

After hearing learned Counsel for the petitioner no case for initiation of contempt is made out as it is apparent from the order dated

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12.08.2016 (**P-3**) that the notice of restoration application was not issued to the respondents/plaintiffs. The Executing Court on the information of restoration, immediately stopped further proceedings in the execution proceedings as is apparent from the order dated 01.10.2016, therefore, no willful disobedience of the order dated 03.03.2011 (**P-1**) is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

March 29, 2017
Vinay

Whether speaking/reasoned	***Yes/No***
Whether Reportable	***Yes/No***

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