

COCP No.902 of 2015

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

COCP No.902 of 2015

Date of Order: 27.2.2017

Charanjit Kaur

....Petitioner

Versus

Keshav Hingonia

....Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. R.S. Ghuman, Advocate for the petitioner.

Mr. Nilesh Bhardwaj, DAG, Punjab.

JASWANT SINGH, J (ORAL)

The petitioner-wife of Gurdev Singh has filed the present contempt petition for punishing the respondent for disobeying the order dated 16.2.2015 passed by this Court in CRM-M-5134 of 2015, whereby the learned Magistrate was directed to adjourn the case beyond the date fixed before this Court.

It is alleged that the Sub Divisional Magistrate, Phagwara despite the interim order dated 16.2.2015 passed by this Court, passed the order dated 16.3.2015 (P.2) recording as under:

"I attach the subject of dispute until a competent court has determined the rights of the parties thereof with regard to the person entitled to possession thereof.

I appoint Tehsildar (C.R.O), Phagwara, receiver thereof, who shall have subject to the control of

the Magistrate, powers of a receiver appointed under CPC 1908.”

The dispute is between the petitioner-wife of Gurdev Singh and Ex-wife/Gurpal Kaur and her daughters, named, Simrat Kaur and Anterpreet Kaur, who are Non-resident Indians over the land/property left behind by said Gurdev Singh.

This Court, on 21.4.2015, issued notice to the respondent to show cause as to why he should not be proceeded against, under Section 16 of the Contempt of Courts Act, 1971.

Upon notice, a short reply by way of affidavit dated 16.7.2015 of Keshav Hingonia, SDM, Phagwara, District Kapurthala has been tendered averring that in compliance of the orders passed by this Court, the deponent-respondent had adjourned the case for 4.3.2015 i.e beyond the date fixed by this Court and that neither on the date fixed i.e 04.3.2015 nor on the dates of subsequent hearings i.e 11.3.2015, 13.3.2015 and 16.3.2015, any further orders of this Court were placed on record by any of the parties, as a result, the order of attachment dated 16.3.2015 was passed by the deponent under that belief. It is alleged that the proceedings initiated under Section 145 Cr.P.C have been quashed pursuant to the decision passed by this Court in CRM-M-5134 of 2015. It is submitted that the respondent-deponent vide his affidavit dated 21.4.2015 had sworn that no stay order from this Court till the passing of order dated 16.3.2015 was received and fearing the apprehension of breach of peace at the spot, the order was passed.

After hearing learned counsel for the parties and going

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through the contents of the reply, this Court is satisfied that no further action is warranted in this Court.

Accordingly, present petition is disposed of as having become infructuous.

February 27, 2017
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No