

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

COCP No.803 of 2017

Date of Decision:-19.04.2017

Ashok Kumar.

.....Petitioner.

Versus

Smt. Sunita.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Pardeep Kumar, Advocate for
Mr. J.P. Jangu, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Petitioner along with his two brothers and Aunt (*Bua*) was arrayed as a defendant in a suit for permanent injunction filed by Smt. Sunita, a cousin of the petitioner in respect of agricultural land comprised in Khasra No.81//12/2, 13, 14, 15, 19 measuring 37 Kanals 5 Marlas situated in the revenue estate of village Bawal, Tehsil Bawal, District Rewari. The suit of the plaintiff-Sunita bearing CS No.557 of 09.10.1991 for permanent injunction was decreed on 08.10.1992. The decree has attained finality.

It transpires that the aforesaid land by issuance of Notification under Section 4 of the Land Acquisition Act was acquired by the State of Haryana for the purpose of construction of a cycle stand, canteen and play ground. The petitioner along with his brothers and sister and mother filed CWP No.1897 of 1994 challenging the notification dated 27.03.1992 as well as Notification dated 17.3.1992 under Section 4 & Section 17 of the Land Acquisition Act. In the said writ petition an interim order dated 10.02.1994 was passed whereby while issuing notice of motion, the dispossession was stayed. In the execution petition filed by the decree holder Under Order 21 Rule 32 CPC police help was ordered for securing

the possession of the land in question along with notice for civil imprisonment as the petitioner along with other judgment debtors in violation of the decree had forcibly taken possession of the land in question. In the said execution petition, the petitioner has tried to take the advantage of the interim order dated 10.02.1994 which has been repelled by the Executing Court while passing the order dated 1.3.2017 by rightly observing that the interim orders in the writ petition operate only against the State.

It is in the aforesaid backdrop contended that the Executing Court has committed contempt of interim order dated 10.02.1994 (P-1).

After hearing learned Counsel for the petitioner and perusing the paper book, this Court is convinced that the present contempt amounts to abuse of process of the Court. From the reading of the detailed order dated 01.03.2017 (P-2), it is evident that the petitioner-JD has been playing hide and seek with the Executing Court since a very long time. It is absolutely clear that the petitioner-Judgment Debtor cannot seek the protection of interim order dated 10.02.1994, as the same would operate only against the State and that too would not thwart any action taken to seek possession by the process of law.

In view of the above, finding no merit in the present contempt petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

April 19, 2017
Vinay

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