

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

Civil Revision No.2196-2017 (O&M)
Date of decision: March 27, 2017

Hari Singh and another

...Petitioners

Versus

Tarlochan Singh Bedi

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Sirphirkhi, Advocate for the petitioners.

Rajan Gupta, J.

Present revision is directed against the order dated 02.02.2017, passed by Civil Judge (Jr. Division), Batala, whereby application under Order 21 Rule 32 read with Section 151 CPC filed by the respondent/decreed holder has been allowed and petitioners were held guilty of disobedience of the court orders and thus, they were directed to be detained in civil prison for a period of one month.

Learned counsel for the petitioners has assailed the order. He submits that no such violation has been committed by the petitioners. They were in possession of the property even prior to filing of the suit.

I have heard learned counsel for the petitioners and given careful thought to the facts of the case.

It appears, Tarlochan Singh Bedi, respondent herein filed a suit for permanent injunction against the petitioners restraining them from interfering in his possession over the suit land measuring 21 Kanals

15 Marlas, situated at Village Pakhoke, Dera Baba Nanak, District Gurdaspur. Said suit was decreed on 3.11.2011. Appeal filed against the said judgment and decree was dismissed by Addl. District Judge, Gurdaspur on 11.10.2013. Respondent/decreed holder filed an application under Order 21 Rule 32 CPC on the ground that he remained admitted in Guru Nanak Hospital, Amritsar from 16.5.2014 to 22.5.2014 and in his absence, petitioners/JDs in utter violation of the judgment and decree, broke open the lock of room of the decree holder in Khasra No.41R/14 and occupied the same illegally and forcibly. The trial court allowed the application holding the petitioners guilty of disobedience and ordered that they be detained in civil prison for a period of one month. I find no legal infirmity with the order. A perusal of impugned order shows that taking advantage of illness of the respondent/decreed holder, petitioners forcibly occupied his property. Thus, the court below rightly held them guilty in this regard. I find no illegality in the order passed. The revision petition is, thus, without any merit and is hereby dismissed.

March 27, 2017
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No