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

**Civil Revision No.6247 of 2015
Date of Decision: 25.09.2017**

MOHINDER SINGH

.....Petitioner

Vs

VEERO & ANR

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. G.S. Sirphikhi, Advocate
for the petitioner.

Mr. M.S. Bal, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. In this revision petition, the petitioner has assailed the order dated 21.08.2015 passed by the Addl. Civil Judge (Sr. Divn.) Batala whereby the petitioner was found to be guilty of disobedience of the judgment and decree dated 23.02.2001 and he was directed to stop using the suit property as passage within one month, failing which he was to undergo civil imprisonment for two months. Warrants of detention were ordered to be issued after one month from the date of passing of said order on deposit of subsistence allowance as per jail

manual.

[2]. Feeling aggrieved against the aforesaid order passed by the Addl. Civil Judge (Sr. Divn.) Batala the present revision has been filed. On 21.09.2015, the matter was listed before this Court. Notice of motion was issued and till the next date of hearing operation of the impugned order was stayed on the contention of learned counsel for the petitioner that mere violation of the judgment and decree does not attract action in terms of Order 21 Rule 32 CPC unless the alleged violation is proved to be intentional and willful.

[3]. On 31.01.2017, learned counsel for the petitioner submitted before the Court that the petitioner will not interfere with the possession of respondent No.1 as directed by the trial Court. The Court recorded that the statement of petitioner is required to be recorded in these terms.

[4]. Though the matter was referred to Mediation and Conciliation Centre of this Court, but it appears that the matter could not fructify before the Mediation and Conciliation Centre.

[5]. Now both the parties are *ad idem* that the petitioner would file an affidavit undertaking that in future he will not interfere in possession of the plaintiff as per judgment and decree of the trial Court. Learned counsel for the petitioner

prayed for a pass over in order to enable him to get an affidavit executed by the petitioner and place the same on record of the case.

[6]. When the matter was taken up again, learned counsel produced the affidavit executed by the petitioner-Mohinder Singh son of Waryam Singh, resident of Nai Abadi Umarpura, Tehsil Batala, District Gurdaspur to the effect that the deponent shall not interfere in the suit land in any manner as per judgment and decree dated 23.02.2001 passed by the Civil Judge (Jr. Divn.) Batala.

[7]. The affidavit furnished by the petitioner stands to the satisfaction of learned counsel for respondent No.1. The affidavit of the petitioner is ordered to be taken on record.

[8]. In view of above, no further action is called for. The impugned order is modified as per the consensus arrived at between the parties.

[9]. Revision petition stands disposed of.

September 25, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No