

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

**FAO No.114 of 1999**

**Date of Order: 01.09.2017**

Amitabh Adhar

....Appellant

Versus

Faridabad Complex Administration and Ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH**

Present: None.

**JASWANT SINGH, J (ORAL)**

Present appeal is directed against order dated 04.8.1998 passed by the learned Addl. District Judge, Faridabad whereby the application of the appellant under Order 39 Rule 2-A CPC read with Section 94, 151 CPC for initiating contempt proceedings was dismissed for want of evidence.

None has put in appearance for the appellant.

It transpires that the suit filed by the appellant-plaintff for injunction, restraining the respondents-defendants from constructing a road upon his land was dismissed by the learned trial Court, and in the appeal filed by the appellant, an order dated 02.3.1993 was passed whereby the operation of the impugned judgment and decree passed by the learned trial Court was stayed and the respondents were restrained from dispossessing the appellant-Amitabh Adhar from the suit land till the next date of hearing on the stay application.

It is the alleged violation of interim injunction granted vide order dated 02.3.1993, which led to the filing of an application under Order 39 Rule 2-A CPC. The said application was dismissed by the impugned order due to non-production of any evidence inspite of availing six effective opportunities including the last one.

Since it was pointed out that the aforesaid appeal was allowed by the learned Addl. District Judge, Faridabad, and the said order was set aside by this Court in Regular Second Appeal filed by the defendants, thereby leading into filing an appeal by the appellant before Hon'ble Supreme Court, which was pending, this Court vide order dated 16.9.1999 adjourned the case to 12.1.2000 to await the final outcome of the decision of Hon'ble Supreme Court. It is evident that todate inspite of the case having been listed on many dates, the fate of the appeal filed by the appellant in the Hon'ble Supreme Court has not been made known.

Even otherwise, learned Addl. District Judge, Faridabad has committed no illegality in passing the order dated 04.8.1998 for lack of any evidence adduced by the appellant.

Dismissed.

**September 01, 2017**  
**manoj**

**(JASWANT SINGH)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No