

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Reserved on 22-2-2018****Pronounced on 1-3-2018**CR No. 100 of 2015

1. Janki Bai W/o Lokdhar Yadu, Aged About 42 Years
2. Lokdhar Yadu S/o Tikam Singh, aged about 51 Years
Both R/o Tarsiva, Tahsil Dhamtari, Civil & Revenue District - Dhamtari
CG

---- Applicants**Versus**

1. Tirath Ram S/o Lokdhar Yadu, Aged About 28 Years R/o Village
Ravanguda, Tahsil - Dhamtari, Civil & Revenue District - Dhamtari CG
2. Bedu S/o Lokdhar Yadu, R/o Kamrauda, Post - Jagannathpur, Sankra,
Tahsil and District - Dhamtari CG

---- Non-applicants

For applicants	: Shri Kunal Das, Advocate.
For non-applicants	: None

Hon'ble Mr. Sharad Kumar Gupta, Judge**C.A.V. ORDER**

1. In this Civil Revision, challenge is levied to the order dated 7-9-2015 passed by the District Judge, Dhamtari in Misc. Civil Appeal No. 15/2015 vide Annexure A-1 whereby and whereunder he confirmed the order dated 26-3-2012 passed by the 1st Civil Judge, Class 2, Dhamtari in Misc. Civil Suit No. 1/2011 vide Annexure A-2 whereby and whereunder she ordered that as the applicants have breached the order of the Court dated 16-12-2010 vide Annexure A-3, they are sent to Civil Jail for a period of one month.

2. This is admitted by the applicants that the non-applicants had filed a Civil Suit No. 66A/2010 in the Court of 1st Civil Judge Class -2, Dhamtari against them and some other persons. On 16-

12-2010 vide Annexure A-3, the aforesaid Court passed temporary injunction against them to the effect that they shall not sell or alienate the disputed lands bearing Khasra No. 110, 112, 136, 164 and 203. On 16-3-2011, applicant No. 1 Janki Bai on behalf of herself and on behalf of minors as guardian sold the disputed lands to Ganpat Sahu, Yashwant Sahu and Ram Kumar Sahu.

3. Shri Kunal Das, counsel for the applicants vehemently argued that the appellant No. 1 had no idea about the order Annexure A-3, the applicant No. 2 Lokdhar Yadu had not executed the sale deed, purchaser of the disputed lands had been made party, the applicant No. 1 is a woman, this is not the case of continuous breach or dis-obedience, sending in civil jail to the applicant No. 1 would cause irreparable loss to her.

4. Looking to the facts and circumstances of the case, it could not be said that applicant No. 1 had no idea about order Annexure A-3, thus this Court finds that it could not be said that applicant No. 1 had not committed deliberate breach of the order Annexure A-3.

5. Looking to the above mentioned facts and circumstances of the case, this Court finds that the trial Court and the appellate Court have not committed any illegality or material irregularity in holding that the applicant No. 1 Janki Bai is guilty of committing deliberate breach of the order Annexure A-3, thus Annexure A-2 and Annexure A-1 are affirmed to that extent regarding Applicant No. 1 Janki Bai. But as regards applicant No. 2 Lokdhar Yadu, he had not executed the registered sale deed, thus, the trial Court

and the appellate Court have committed illegality and material irregularity in coming to the conclusion that applicant No. 2 Lokdhar Yadu is also guilty of committing breach or disobedience of the order Annexure A-3. Thus this Courts sets aside the Annexure A-2 and Annexure A-1 with regard to applicant No. 2 Lokdhar Yadu.

6. In the case in hand, the applicant No. 1 Janki Bai is a woman aged about 58 years. Looking to her age, it would be harsh to send her to civil jail. It would also cause irreparable loss to her. Thus, the order Annexure A-2 and Annexure A-1 so far as they relate to sending the applicant No. 1 Janki Bai to civil jail, are hereby set aside. It is further ordered that immovable property of applicant No. 1 Janki Bai be attached for a period of 3 months from today.

7. The revision is accordingly disposed of.

Sd/-
(Sharad Kumar Gupta)
Judge