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**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Contempt Case No.685 of 2018**

Purushottam Das, S/o Dukalu, aged about 45 years, R/o Village Karainara, Tahsil Kartala, District Korba, Chhattisgarh

**---- Petitioner**

**versus**

1. Paltan Das, S/o Shri Suklal,

2. Leela Das, S/o Shri Suklal,

Both Residents of Village Karainara, Tahsil Kartala, District Korba, Chhattisgarh

**--- Respondents**

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| For Petitioner  | : | Smt. Renu Kochar, Advocate     |
| For Respondents | : | Shri Ramakant Pandey, Advocate |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**22.11.2018**

1. Heard on admission.
2. Smt. Renu Kochar, Learned Counsel appearing for the Petitioner submits that earlier the Petitioner had filed a civil suit for declaration of his title over the suit land and for permanent injunction against the Respondents and others. Vide judgment dated 30.6.2015 passed by the Civil Judge Class-II, Kartala, District Korba, the suit was decreed in favour of the Petitioner. An appeal was preferred by the Respondents which was allowed by the Appellate Court vide judgment dated 28.3.2017. Thereafter, Second Appeal No.354 of 2017 was preferred by the Petitioner before this Court. The second appeal was admitted on 15.1.2018 for final hearing and substantial question of law was framed. Thereafter, on 31.1.2018, the application for grant of stay and the

application under Order 39 Rules 1 and 2 of the Code of Civil Procedure were allowed by this Court and it was directed that the effect and operation of the judgment dated 28.3.2017 shall remain stayed till further orders. Smt. Kochar further submits that the Respondents are very well aware of the order of this Court dated 31.1.2018. Despite there being the stay order passed by this Court, the Respondents are cultivating the suit land. They are also trying to interfere with peaceful possession of the Petitioner over the suit land and they are forcibly cultivating the land and thereby they have disobeyed the order of this Court.

3. Shri Ramakant Pandey, Learned Counsel appearing for the Respondents submits that the Respondents have not violated any order of this Court.
4. I have heard Learned Counsel appearing for the parties and perused the record with due care.
5. As alleged by the Petitioner, the Respondents have violated the order passed by this Court under Order 39 Rules 1 and 2 of the Code of Civil Procedure. Since an alternative remedy is available to the Petitioner under Order 39 Rule 2-A of the Code of Civil Procedure, in my considered opinion, the present contempt case is not maintainable.
6. Resultantly, the instant contempt case is dismissed at the stage of admission itself.

Sd/-  
**(Arvind Singh Chandel)**  
Judge