

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

COCP 1200/2018

Date of decision: 19.04.2018.

Sukhwinder Kaur

.....Petitioner

v.

Gurdeep Singh and others

.....Respondents

Coram: Hon'ble Mr. Justice Jaswant Singh

Present:- Mr. K. S. Boparai, Advocate for the petitioner

Jaswant Singh, J. (Oral).

The dispute is between petitioner-Sukhwinder Kaur and her brothers with regard to a residential house left behind by their father Harbant Singh. The petitioner alongwith her minor daughter after her divorce started living in her parental home alongwith her father Harbant Singh. Upon death of Harbant Singh dispute arose with regard to residential house. Petitioner is stated to have filed a suit for permanent injunction on the plea of being a legal heir and in possession of a portion of the residential house. The suit was dismissed by the trial Court and the findings affirmed in appeal. However, in the RSA No. 3144/2014 filed by the petitioner/plaintiff the suit was decreed whereby the defendants-respondents were enjoined from dispossessing the petitioner/plaintiff from the suit property except in due course of law.

Present contempt has been filed with the allegations that the respondents have locked the main gate of the house; as also the gate of the stairs so as to deny the petitioner usage of the suit property/portion of the house forming part of the RSA 3144/2014.

After arguing the case for sometime and having failed to convince the Court for invoking contempt jurisdiction in the light of alternative remedy available to the petitioner under Order 21 Rule 32 CPC including appointment of Local Commissioner for the purpose of ascertaining the factual position, learned counsel for the petitioner seeks permission to withdraw the present contempt petition with liberty to petitioner to avail legal remedy available to her, in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

19.04.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No