

In the High Court of Punjab and Haryana at Chandigarh

COCP No. 2196 of 2013
Date of decision: 7.5.2018

Rajinder Kaur

....Petitioner

versus

Inderpreet Singh Gill

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. Rakesh Bhatia, Advocate for the petitioner.

Mr. Gurpreet Singh, Advocate for the respondent.

GURVINDER SINGH GILL, J.

1. Tenant-Rajinder Kaur has filed this petition under Sections 11 and 12 of Contempt of Courts Act, 1971 (hereinafter referred to as '*the Act*') seeking initiation of contempt proceedings against the respondent-landlord for allegedly having violated order dated 23.1.2013 and also 12.4.2013 pertaining to maintenance of status-quo regarding possession in respect of the premises in question.
2. A few facts necessary to notice for disposal of the present contempt petition are that respondent-landlord had filed an Ejectment petition in the Court of Rent Controller seeking ejectment of the petitioner on grounds of personal necessity being a specified landlord having retired from Indian Army after attaining the age of superannuation. The said petition was accepted by the

learned Rent Controller and the appellant was directed to vacate and handover the possession of the demised premises within two months vide order dated 3.12.2012. The aforesaid order dated 3.12.2012 was challenged by the tenant by way of filing revision petition i.e. CR No. 470 of 2013 in which notice of motion was issued on 23.1.2013. The first three orders passed in the aforesaid Civil Revision petition are reproduced below for the sake of ready reference :-

Order dated 23.1.2013

“Limited plea raised by the tenant petitioner before this court is that time for vacating the premises may be enlarged.

Notice of motion for 21.2.2013.

Status quo regarding possession be maintained till the next date of hearing. This order shall, however, be restricted to the next date.”

Order dated 21.2.2013

“Arguing counsel is stated to be in personal difficulty and adjournment is prayed for on his behalf.

Adjourned to 12.4.2013.”

Order dated 12.4.2013

“According to report from the registry, respondent is unserved. Learned counsel for the petitioner may take steps to serve the unserved respondent.

Adjourned to 13.08.2013.

Process dasti as well.

Interim order, if any, to continue meanwhile.”

3. Thereafter, the matter was adjourned several times. A perusal of zimni orders dated 3.3.2014, 11.7.2014, 16.9.2014, 13.2.2015, 27.7.2015 and even subsequent orders shows that no specific direction as regards any stay was issued.
4. It is not in dispute that execution proceedings had been initiated before the Rent Controller in which warrants of possession had been issued on 6th May 2013 returnable on 4th June 2013. It is also not in dispute that the warrants of possession were duly executed on 9th May 2013 and the possession of the premises in question was handed over to the landlord through the Bailiff after breaking the lock found on the premises in question.
5. The learned counsel for the petitioner has vehemently argued that since vide order dated 23.1.2013 passed in CR No. 470 of 2013, direction had been issued for maintaining status-quo regarding possession, therefore, dispossessing the tenant from the premises in question amounts to contempt of orders of the Court rendering the landlord liable for punishment in terms of provisions of Section 12 of the Act. The learned counsel has further submitted that vide order dated 12.4.2013, the interim direction had been specifically ordered to continue, therefore, the order regarding maintenance of status-quo regarding possession, as ordered in the first date i.e.. on 23rd January 2013 was very much in force on 9.5.2013, when possession of the premises was delivered to the landlord by the Bailiff. The learned counsel for the petitioner has, thus, prayed that the landlord-respondent be appropriately punished and possession of the premises in question be

restored.

6. On the other hand, the learned counsel for the respondent has submitted that no stay order was in operation as on 9.5.2013 and that 'status-quo' order was limited in operation restricted till the next date i.e. only till 21.2.2013 and that since the said order was not extended on 21.2.2013, the subsequent order for extension of the same would be of no consequence.
7. I have considered the aforesaid submissions.
8. The short and precise question in the present case is as to whether the order of 'status-quo' regarding possession was in existence on 9.5.2013 or not. A perusal of first order passed on 23.1.2013, as reproduced above, shows that this Court while granting 'status-quo' regarding possession had categorically restricted the same till the next date only and had in fact emphasized the said fact by specifically ordering to this effect. The relevant extract from the said order is reproduced below for the sake of ready reference.

“Status quo regarding possession be maintained till the next date of hearing. This order shall, however, be restricted to the next date.”

9. It is not in dispute that no order for extension of the aforesaid stay was passed on the next date i.e. on 21.2.2013. However, on 12.4.2013, this Court passed order for continuance of interim order, if any such order, is in existence. The relevant extract from the order dated 12.4.2013 is reproduced below :-

“Interim order, if any, to continue meanwhile.”

10. The aforesaid interim order shows that the extension of an interim order was qualified by mentioning that such continuation would be there only if some stay order is in operation. Since the initial status-quo order dated 23.1.2013 was specifically till the next date i.e. till 21.2.2013 and was not extended, therefore, the order dated 12.4.2013 regarding extension of interim order, if any in operation, would not have the effect of extension of 'status-quo' order. In other words, it is held that as on 9.5.2013, there was no status-quo order regarding possession.
11. During the course of arguments, the learned counsel for the petitioner cited a judgment of Hon'ble Rajasthan High Court reported as 2009(30) RCR (Civil) 25 - Anil Chitoda vs. State of Rajasthan & Ors to contend that even in the absence of extension of any stay order, the same is deemed to have been extended on the future dates, unless the same is specifically vacated.
12. I have considered the aforesaid submission and have perused the cited judgment. In the cited judgment, an interim order had been passed on 2.3.2009 and the matter was adjourned to 16.3.2009. The interim directions were ordered to continue on the next about a dozen dates. Subsequently, on some of the dates, the turn of the case did not come. The question before the Court was as to whether in such eventuality, the interim order could be treated to have been vacated or lapsed. The Hon'ble Court opined that answer to said question cannot be in affirmative.

13. There was no qualification or restricted order passed in the cited case, as has been passed in the present case, where this Court has very categorically specified that the interim order is till the next date only. As such, in view of the distinct factual position, the cited judgment has no application in the present case.
14. In these circumstances, it cannot be said that there has been any violation of any stay order issued by this Court. Consequently, no ground is made out for initiation of proceedings under Contempt of Courts Act.
15. The petition is without merits and the same is hereby dismissed.

(Gurvinder Singh Gill)
Judge

May 7, 2018
kamal

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No