

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

**COCP No. 3007 of 2017 (O&M)
Date of Decision: 16.01.2018**

Dhan Singh (deceased) through his LRs

..... Petitioners

Versus

Tej Pal Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Om Parkash Sharma, Advocate
for the petitioners.

JASWANT SINGH, J (ORAL)

The petitioners are the LRs of defendant-Dhan Singh son of Molar, against whom suit for possession regarding a plot measuring 113 square yards was filed by his brother/plaintiff-Tej Pal Singh (respondent No. 1), claiming himself to be the owner. The suit was dismissed by learned Sub Judge First Class vide judgment and decree dated 03.10.1989, however, the learned Additional District Judge, Rohtak, allowed the appeal and decreed the suit vide judgment and decree dated 27.04.1991. Dhan Singh (deceased) filed a Regular Second Appeal bearing RSA No. 1849 of 1991 before this Court, wherein vide interim order dated 09.09.1991, the execution of the decree of possession was stayed. The said order was confirmed vide the next interim order dated 25.03.1992, while admitting the appeal for final hearing.

The present contempt has been filed with the averments that the respondent-plaintiff and the official(s) of the Municipal Corporation, Rohtak, in collusion have made an entry of ownership and possession of the

plot in dispute in the name of the plaintiff-Tej Pal Singh and, therefore, have

committed contempt of Court.

After hearing learned counsel for the petitioners, no case for invoking the contempt jurisdiction is made out. It is not the case of the petitioners/LRs of Dhan Singh that any forcible possession has been taken or the decree has been got executed through the process of the Court. Merely because an entry of ownership and possession of the plot in dispute has been made, as alleged, would not come rise to a finding of fact for violation of the interim directions passed by this Court.

Dismissed.

January 16, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>