

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
101**

**COCP-3122-2015 (O&M)
Date of decision:18.07.2018**

Jagdish

...PETITIONER

Vs.

Balwant and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mani Ram Verma, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J.

Petitioner has approached this Court alleging violation of the orders dated 27.08.2015 and 08.10.2015 (Annexures P-1 and P-2 respectively) by the Financial Commissioner, Haryana on a revision petition preferred by him challenging the order dated 14.03.2015 passed by the Assistant Collector 2nd Grade, Adampur on an application filed by the respondents for partition of the land measuring 91 Kanal 8 Marlas situated in Village Bhana, Tehsil Adampur, District Hisar on completion of all proceedings of *Taksim Sanad*.

Petitioner alleged that during the pendency of the said orders, the *Khal* on the western side of Khasra No. 160/24 min has been demolished in violation of the orders dated 27.08.2015 and 08.10.2015, whereby the initial stay order was extended till 10.12.2015. Respondents have, therefore, rendered themselves liable to be punished under the Contempt of Courts Act, 1971 as they have not denied the factum of having demolished/filled the *Khal* in question.

On the other hand, it is the stand of the respondents that after the passing of the order dated 14.03.2015, respondents waited for the period of limitation to expire, within which the revision petition could be preferred.

Revision petition was filed on 27.08.2015 and on the said date, order of stay was passed regarding demolishing the *Khal* in question, whereas it stood filled in the month of May, 2015. It has further been contended that the order of stay stood vacated w.e.f. 19.01.2017 as per the order dated 10.11.2016. The revision petition itself has been dismissed on 13.07.2017 with order that respondent No. 5-Subhash shall compensate the petitioner with ₹10,000/- to partly defray the cost of laying water pipe in Khasra No. 160//23 with liberty to the petitioner to file fresh partition application to carve out his separate share from the joint land owned by him with respondents No. 6 and 7 in the revision petition, if he so desires.

Having considered the above position, this Court is of the considered view that the respondents have not committed contempt of the orders dated 27.08.2015 and 08.10.2015 (Annexures P-1 and P-2 respectively) as the admitted position by the respondents is that the *Khal* in question was filled up after waiting for the period of limitation prescribed for filing an appeal and there being no rebuttal of the said fact. That apart, the interim stay in favour of the petitioner stood vacated and even the revision petition has finally been decided vide order dated 13.07.2017, whereby the revision petition stands dismissed.

In view of the above, the present contempt petition stands dismissed.

Rule issued to the respondents stands discharged.

July 18, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No