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

CR No.3619 of 2018 (O&M)
Date of Decision: 28.05.2018

Harinder Singh

....Petitioner

Vs

Gurpreet Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Hitesh Malik, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has assailed the order dated 08.09.2014 passed by Additional Civil Judge (Senior Division), Moga, whereby application filed by the petitioner under Order 39 Rule 2-A read with Section 151 CPC for initiating contempt proceedings against the respondent was dismissed.

Petitioner claimed himself to be tenant. In the suit filed by him, the trial Court granted order of *status quo* on 05.05.2005. Petitioner alleged that in violation of the order of *status quo*, he was forcibly dispossessed on 23.05.2005 from the shop in question.

The petition was contested by the respondent on the premise that plaintiff-petitioner voluntarily vacated the property

by executing a Writing dated 13.05.2005. For about two years, the plaintiff-petitioner kept mum and the application under Order 39 Rule 2-A CPC came to be filed only in the beginning of year 2007. The Writing in question was subjected to expert opinion. On comparison, the same was found to be that of petitioner. Even thereafter, suit itself has been withdrawn by the plaintiff on 29.01.2007.

Taking into totality of facts and circumstances, the trial Court did not find it to be a case of willful disobedience of order dated 05.05.2005, rather the same was found to be voluntary relinquishment of possession of shop in favour of the defendant.

I see no reason to differ with the findings recorded by the trial Court on factual matrix of the case.

This revision petition is accordingly, dismissed.

28.05.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No