

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

**CR No.4814 of 2015
Date of Decision : 16.05.2018**

Avtar Singh

.....Petitioner

Versus

Smt. Kanta Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Arun Bansal, Advocate for the petitioner.
Mr. Deepak Aggarwal, Advocate for respondent No.1.
None for respondent No.5.

ARUN PALLI, J. (Oral)

The petitioner/defendant is aggrieved against the order dated 19.05.2015, rendered by the Additional Civil Judge (Sr. Divn.), Talwandi Sabo, whereby his application to drop the contempt proceedings, that have since been initiated at the instance of respondent/plaintiff, has been dismissed.

Concededly, the suit filed by the respondent was dismissed as withdrawn on 18.08.2011, as counsel for the petitioner/defendant had suffered a statement that defendants shall not raise any construction over the suit property nor shall alienate the same illegally with specific boundaries which was allotted to plaintiff in the final decree and defendants shall not raise construction on the part of the property owned and possessed by them and shall accordingly alienate it. However, the grievance of the

respondent/plaintiff has been that despite the undertaking given to the Court, the petitioner/defendants has since raised construction in breach of the statement made in Court.

Ex facie, learned trial Court dismissed the application moved by the petitioner on the ground that if after appreciation of the evidence, that shall be led by the parties, the Court comes to a conclusion that there indeed was a dis-obedience of the order of the Court, the defendants shall be proceeded against accordingly. All what has been urged by learned counsel for the petitioner is that petitioner never violated the undertaking/statement made on his behalf, by his counsel, and thus, the proceedings initiated by the respondents were unwarranted. If that be so or the petitioner has not carried out any construction, in breach of the undertaking furnished to the Court, he could very well file reply to the application, and contest the proceedings to prove his innocence.

In conspectus of the above, I am dissuaded to interfere, in exercise of revisional jurisdiction under Article 227 of the Constitution of India. The petition is accordingly, dismissed.

16.05.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No