

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 5166-2015 (O&M)
Date of decision: 22.02.2018

Gram Panchayat Village Pohir & another

.....Petitioners

versus

Malkit Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.K.S.Boparai, Advocate for the petitioners
Mr.Vikram Singh, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

Heard.

In a suit filed by Malkit Singh -respondent against Gram Panchayat Villager Pohir, Tehsil Dehlon, District Ludhiana, while disposing of the application under Order XXXIX Rule 1 and 2 CPC 1908, learned Civil Judge (Junior Division), Ludhiana vide order dated 27.10.2014 directed both the parties to maintain status quo with regard to possession and alienation of the disputed property fully detailed in the head note of the plaint till final disposal of the suit on merits or till further order in this regard if any.

Now, an application has been filed under Order XXXIX Rule 2A read with Section 151 CPC 1908 read with Section 12 of the Contempt of Courts Act, 1971 for attachment of the property of the respondents and for detaining them in civil prison for their willful disobedience of the order

dated 31.7.2014 as well as the order dated 27.10.2014 in the said suit.

In the said application, learned Civil Judge (Junior Division), Ludhiana vide order dated 10.3.2015, has issued notice to all the respondents. A perusal of the order shows that in addition to the Gram Panchayat, Sarpanch, Panch of the Gram Panchayat, the Deputy Director, Panchayat, DDPO, BDPO as well as Naib Tehsildar, Dehlon were made party as respondent nos.4 to 7.

Since, no injunction order was passed against respondent nos.4 to 7, therefore, application against them is not maintainable and qua them the same stands dismissed. Further, proceedings under Section 12 of the Contempt of Courts Act, 1971 lies only before the High Court and not before the learned Civil Judge (Junior Division). Therefore, application qua invoking Section 12 of the Contempt of Courts Act, 1971 also stands dismissed.

Accordingly, impugned order qua respondent nos.4 to 7 summoning them to face the said proceedings is set aside.

Revision is allowed accordingly.

22.02.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	No