

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 126

CR-5564-2018

Date of decision : 27.08.2018

Nirmal Singh

..... Petitioner

VERSUS

Mohinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Briz Mohan, Advocate, for
Mr. Aman Dhir, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 28.07.2017, passed by the Civil Judge (Junior Division), Phagwara (for short, the Trial Court) dismissing the application filed by the petitioner under Order 39 Rule 2-A read with Section 151 CPC for initiating contempt proceedings against the respondents for having violated the stay order dated 12.01.2015. Also under challenge is the order dated 15.05.2018, passed by the Additional District Judge, Kapurthala (for short, the Appellate Court) dismissing the appeal filed by the petitioner against the aforesaid order passed by the Trial Court.

The facts in brief which have been culled out after hearing learned counsel for the petitioner as also on perusal of the record are that the petitioner filed a suit seeking therein symbolic possession by way of specific performance of agreement to sell dated 22.04.2014 of the property as detailed and described in the head note of the plaint (for short, the suit property). On 12.01.2015, while issuing notice of the suit, the Trial Court directed the parties to maintain status quo. The petitioner filed an application under Order 39 Rule 2-A read with Section 151 CPC for

initiating contempt proceedings against the respondents, who were the defendants in the suit, for having violated the aforesaid status quo order passed by the Trial Court as according to him, after passing of the status quo order, the respondents alongwith some property dealers had visited the suit property with the purpose of alienating the same. The case set up by the petitioner was that after he had shown to the respondents a copy of the status quo order, they said that they did not care about the same. After issuing notice to the respondents, the Trial Court dismissed the petitioner's application. An appeal preferred by the petitioner was also dismissed by the Appellate Court, giving the petitioner a cause to approach this Court through the present petition.

Learned counsel for the petitioner has been heard.

The Trial Court after framing of issues and sifting of evidence led by both the parties came to a categorical conclusion that no evidence whatsoever had been led by the petitioner to corroborate his averments that the respondents in any manner have violated the status quo order passed by the Trial Court. Compliance of Order 39 Rule 3 CPC was also not made by the petitioner. The Appellate Court, after considering the pleas raised by the petitioner, affirmed the findings returned by the Trial Court. No material has been brought to the notice of this Court by the petitioner showing compliance of Order 39 Rule 3 CPC. Attention of this Court has also not been drawn to any evidence led by the petitioner to show that the respondents had violated the status quo order passed by the Trial Court.

In view of the above, there is no reason for this Court to interfere with the concurrent findings returned by both the Trial Court as

also the Appellate Court in rejecting the petitioner's application seeking initiation of contempt proceedings against the respondents.

Dismissed.

27.08.2018
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No