

HIGH COURT OF CHHATTISGARH, BILASPUR**CONT No. 864 of 2019**

- Jitendra Kumar Dewangan S/o Shri Ram Khilawan Dewangan Aged About 40 Years Resident Of Q. No. C-09, Krishnavatika, Phase-II, Shalini School Road, Boirdadar Raigarh District - Raigarh Chhattisgarh

---- Petitioner**Versus**

1. T. K. Jatwar District Program Officer , Women And Child Development Department Collectorate District - Raigarh Chhattisgarh
2. Smt. Chaitali Roy Women Protection Officer, Department Of Women And Child Department, Collectorate District - Raigarh Chhattisgarh
3. Smt. Neeti Dewangan W/o Jitendra Dewangan Aged About 36 Years Residence Of Place Road Narsingh Mandir Street Raigarh Tahsil And District - Raigarh Chhattisgarh.....(Contemnors)

---- Respondents

For Petitioner : Shri Prakash Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****17/10/2019**

1. Heard.
2. Learned counsel for the petitioner would submit that this Court in M.A. No.72 of 2018 on 29.08.2018 has ordered that in respect of the suit property no third party interest may be created.
3. Learned counsel for the petitioner would submit that respondent No.3 and the petitioner who are litigating in a matrimonial case, which led to a different dispute and proceeding under Section 12 of the Domestic Violence Act, 2005, wherein the respondent wife wanted to make entry into the house but the same

was not allowed by the Judicial Magistrate vide order dated 10.07.2018. However, when the said order was subject of revision, the revisional Court vide order dated 27.09.2018 has allowed the respondent/wife to make entry in the house i.e. Krishna Vatika Pahse II, Boirdadar, Raigarh, till the final adjudication is made in respect of the complaint. It is contended that the respondent/wife is now trying to sell out the property after she has made entry into the house projecting herself to be the owner and the house is sellable.

4. As per the submission of the petitioner, it appears that the petition is premature. If the restraint order is still existing to create a third party interest in respect of the suit property, unless & until the said act of creation of third party right is substantially done, no cause of action can be said to have arisen, therefore, unless on the clear terms the verdict passed by this Court in M.A. No.72 of 2018 on 29.08.2018 is flouted, no contempt can be made out.
5. The petition at this stage is premature. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge