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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COC-1095-1989 (O&M)
Date of decision: 20.11.2019

GHULLA

.. PETITIONER

VERSUS

SHRI BANT SINGH AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.S.D.Sharma, Senior Advocate with
Mr. Ved Priya Malik, Advocate
for the petitioner.

Mr. Nakul Sharma, Advocate
for the respondents.

AVNEESH JHINGAN, J. (Oral)

Sections 10 & 12 of the Contempt of Courts Act, 1971 has been invoked by the petitioner raising the grievance of violation of interim order passed in RSA No. 2176 of 1989 on 08.09.1989 staying dispossession of the petitioner. The order was passed in .

The brief facts relevant for the present contempt petition are as below:-

The petitioner entered into an agreement to sell with the respondents for the sale of property detailed in the petition. In pursuance to the agreement of sell, the sale deed was not being executed, the respondents (in this petition) filed a suit for specific performance. The suit was decreed on 11.02.1989 and the relief for specific performance was granted to the petitioner. The defendant (i.e. petitioner in the present petition) filed the first appeal, the same was dismissed on 26.08.1989. Thereafter, in execution proceedings, the possession was taken over

by the respondents on 04.09.1989. In the regular second appeal filed by the petitioners, the interim direction of stay from dispossession was passed on 08.09.1989.

Learned counsel for the parties are not disputing the above mentioned facts.

The grievance raised was that in spite of stay, the possession was taken over by the respondents with the connivance of the officials, etc.

Considering the fact that the possession was taken over by the respondents before passing of the interim order, no case is made out of wilful disobedience, the contempt petition is dismissed.

Rule issued against the respondents is discharged.

20th November, 2019
shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : *Yes*
Whether reportable : *Yes*