

207

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

**COCP No.317 of 2017
Date of Decision: 27.08.2019**

Baljit Kaur

Petitioner

Versus

Bupinder Singh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.M. Tripathi, Advocate
for the petitioner.

Mr. Chanchal K. Singla, Advocate
for the respondent.

AVNEESH JHINGAN, J (Oral):

The present contempt petition has been filed pleading wilful disobedience of interim order dated 08.12.2000 passed by this Court in CWP No.11967 of 2000. The Court had granted interim protection of *status quo* as existing as on that date. It was ordered that no construction etc., shall be raised.

This contempt petition has been filed pleading that order of status quo has been violated as construction is being raised on the property in dispute.

From perusal of the paper book, there is no worth reliance evidence forthcoming that some construction has been raised on the land in dispute after passing of order dated 08.12.2000. Though some photographs have been attached from

which it is not evident that said photographs are related to the property in dispute. The position on the ground level on 08.12.2000 is also not clear.

In the contempt petition, the onus is on the petitioner who alleges wilful disobedience of the order. The Supreme Court in ***Chhotu Ram Vs. Urvashi Gulati and Another, (2001) 7 SCC 530***, has held that contempt of court proceeding being quasi-criminal in nature, the burden to prove would be upon the person who made such an allegation. A person cannot be sentenced on mere probability. Wilful disobedience and contumacious conduct is the basis on which a contemnor can be punished. Such a finding cannot be arrived at on conjectures and surmises, it must be arrived at on the materials brought on record by the parties.

Learned counsel for the petitioner places reliance upon paragraph 2 of the preliminary objection and reply filed by the respondent to state that there is an admission that construction has been raised inspite of passing of *status quo* order. The said averment is not well founded.

In the pleadings it has only been stated that respondent was not aware of the proceedings before this Court. It has nowhere been stated that *status quo* has been violated. Rather in paragraph 7 of the reply, it has specifically been denied that no new construction has been raised and that the entire construction was raised in the year 1987.

In such circumstances, no case is made for wilful

disobedience of order of this Court.

The contempt petition is dismissed.

The rule issued against the respondent stands discharged.

**[AVNEESH JHINGAN]
JUDGE**

August 27, 2019

pankaj baweja

- | | | |
|-------------------------------|---|-----|
| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |