

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

**CR No.3536 of 2018(O&M)
Date of Decision: 13.02.2019**

Rita Datta

.....Petitioner

Versus

Rajiv Mehta and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ashwani Talwar, Advocate
for the petitioner.

None for respondent No.1 despite service.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 09.02.2018 passed by Additional District Judge, Yamuna Nagar at Jagadhri vide which order dated 30.07.2013 passed by Civil Judge (Junior Division), Yamuna Nagar at Jagadhri was set aside and appeal was partly allowed thereby sentencing the petitioner to undergo simple imprisonment for a period of 14 days while entertaining the application under Order 39 Rule 2-A CPC.

[2]. Perusal of the record would show that violation of injunction order dated 26.11.2007 was alleged against the petitioner. There was contested litigation between the petitioner

(sister) and respondent No.1 (brother).

[3]. Trial Court found that the order of *status quo* was passed on 23.10.2007, 26.11.2007 and 21.05.2008 in respect of cutting and removing of trees on the land in dispute. Trial Court took cognizance of the fact that contempt in terms of Order 39 Rule 2-A CPC terminates with the culmination of suit proceedings on merits. The *status quo* was granted in the suit which was ultimately dismissed as withdrawn by the petitioner herself. The rigour of order of *status quo* merged into the order of withdrawn vide which the proceedings were terminated. Reference was made to the ratio laid down in **Kirpal Singh and others Vs. Satish Kumar Sabharwal and others, 2007(3) RCR (Civil) 787.**

[4]. I have considered the submissions made by learned counsel for the parties.

[5]. The violation of the order of *status quo* has been alleged in the present case. The order of *status quo* dated 26.11.2007 already stood vacated at the instance of the plaintiff/petitioner herself when she got her suit dismissed as withdrawn on 06.09.2014. The dismissal of the suit itself at a subsequent stage would attract the ratio of **Kirpal Singh and others case (supra)** and **Dalip Singh and another Vs. Balwinder Singh and another, 2009(4) RCR (Civil) 527.**

[6]. In my considered opinion, the impugned order dated 09.02.2018 passed by Additional District Judge, Yamuna Nagar at Jagadhri is not sustainable in law and is thus set aside. This revision petition is accordingly allowed. Normal consequences to follow.

13.02.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No