

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3903 of 2012 (O&M)
Date of Decision.30.01.2019

Charan Singh

...Petitioner

Vs

Randhir Singh and another

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. S.S. Sodhi, Advocate
for the petitioner.

Mr. Balram Prashar, Advocate for
Mr. Jagmohan S. Ghuman, Advocate
for respondent No.1.

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AMIT RAWAL J. (ORAL)

The present revision petition is directed against the impugned order whereby application of the petitioner filed under Order 21 Rule 32 CPC for violation of the judgment and decree dated 08.12.2006 has been dismissed.

Mr. Sodhi, learned counsel appearing on behalf of the petitioner submitted that vide judgment and decree dated 08.12.2006, respondents were restrained in the following manner:-

“19. In view of my finding on above said issues, suit of the plaintiff must succeed and as such, the same is hereby decreed for grant of permanent injunction, restraining the defendants from digging out any sort of khaal and creating any sort of hindrance in the common passage, fully detailed in the head note of the plaint. Similarly, counter-claim filed by defendants is also hereby decreed restraining the plaintiffs from

demolishing or obstructing or interfering in any manner in the use of khaal for irrigation purpose, situated in khasra No.48R/1/2(2-9) and 1/3(2-4), as detailed in the head note of the counter-claim. Keeping in view the peculiar circumstances of the case, there is no order as the costs. Decree sheet be drawn up accordingly and filed be consigned to record room.”

The Court below dismissed the application of the petitioner simply on the ground that the applicant-petitioner/decreed holder did not place on record copy of complaint submitted to the police. In support of aforementioned contention, he drew attention of the Court to para 9 of the application where it was specifically averred with regard to violation of the judgment and decree. No person can be permitted to show disrespect and disregard to the judgment and decree passed by the Court. This is what is the scope of Order 21 Rule 32 CPC.

Per contra, Mr. Prashar, learned counsel appearing for the respondents supported the impugned order. It is the petitioner who violated the judgment and decree aforementioned for which contempt proceedings have already been initiated by the respondents, thus, urges this Court for dismissal of the revision petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit, as the petitioner miserably failed to lead any evidence with regard to alleged violation by way of pictures or witness has been examined to establish the violation. Even if the petitioner had attempted to place

on record copy of complaint given to the police, that would not be suffice, as for grievance sought to be redressed, petitioner has to establish the violation of judgment and decree through direct and cogent evidence.

Having failed to discharge the onus, I do not find any illegality and infirmity in the impugned order and the same is hereby upheld. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

January 30, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No