

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCF No. 490 of 2020
Date of Decision: 05.02.2020

Rakesh Jain

...Petitioner

VERSUS

Khushi Sadana

...Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipul Joshi, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

Heard.

Petitioner seeks initiation of proceedings under the Contempt of Courts Act, 1971 against the respondent for non-compliance of order dated 23.12.2005 passed by learned Additional Civil Judge (Senior Division), Gurgaon (now Gurugram), while deciding his application under Order XXIX Rules 1 and 2 of the Code of Civil Procedure, on the ground that despite order restraining the respondent from alienating the suit property he had executed the sale deed of suit property on 31.01.2006.

The civil suit filed by the petitioner was finally decided on 12.09.2011 and interim order stood merged with judgment and decree passed in that case, as such, no proceedings for violation of interim order can be initiated at this stage. Even otherwise, vide judgment and decree passed in the civil suit, the petitioner has been declared to be absolute owner of the suit property and the sale deed (Ex. D1) executed by the respondent, which was challenged by him in the suit, has been declared to be illegal, null and void. If any claim is made on the basis of sale deed executed on

31.01.2006, the petitioner can always raise the plea of *lis pendens*. It is nowhere the case of petitioner that the vendee of that sale deed has raised any claim against him. He has not even been arrayed as party in this case. Consequently, I find no reason to initiate proceedings under the Contempt of Courts Act against the respondent.

Dismissed.

February 05, 2020
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No