

(Through Video Conferencing)

COCP No. 1967 of 2020

Date of Decision: 26.11.2020

Ezee Flights Travel

.....Petitioner

Versus

Gurdas Ram and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Sushant Kareer, Advocate,
for the petitioner.Mr. Jitender Pal Singh, Advocate for
Mr. Rahul Dev Singh, Advocate,
for the respondents.**NIRMALJIT KAUR, J. (ORAL)**

The present contempt petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 has been filed for violating the orders dated 16.07.2020 and 07.08.2020 passed by the Civil Judge (Junior Division), SAS Nagar.

Admittedly, the matter is still pending before the trial Court. It is not disputed that the petitioner has a remedy against disobedience or breach of the injunction order under Order 39 Rule 2-A CPC.

At this stage, learned counsel for the petitioner submitted that the petitioner, who is tenant is not being allowed to lift his belongings and by not allowing to do so, he is being forced to pay the rent, even though he wants to vacate the premises and in the application filed under Order 39 Rule 2-A CPC, evidence will have to be recorded, which is not being recorded due to Covid-19 and therefore, it is not an efficacious remedy.

Learned counsel appearing for the respondents on the other hand has pointed out that it was incorrect to say that the respondents have not allowed the petitioner from collecting his articles. Why should the landlord has any objection if the tenant wants to vacate the premises. In fact, the petitioner has to pay the rent for the period for which he has been in occupation of the premises.

The argument that he wants to vacate the premises does not appear to be supported by the plaint on record. The suit is filed by the petitioner with the prayer that the respondents should not interfere in their possession.

These are disputed question of facts. The matter is still pending before the trial Court. The contempt petition cannot be used as an execution petition. The petitioner in the contempt petition is only seeking punishment for violating the orders dated 16.07.2020 and 07.08.2020, for which he has a remedy under Order 39 Rule 2-A CPC.

In view of the same, the present contempt petition is dismissed with liberty to the petitioner to avail remedy under Order 39 Rule 2-A CPC.

Rule issued against the respondents stands discharged.

(NIRMALJIT KAUR)
JUDGE

26.11.2020

sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No