

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

CR-1259-2022
Decided on : 06.04.2022

Rajbir Singh & others

..... Petitioners

Versus

Khan Singh and others

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parmod Parmar, Advocate
 for the petitioners.

Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Article 227 of the Constitution of India for setting aside the judgments and decree dated 07.12.2018 and 28.10.2014 (Annexure P-6 and P-4 respectively) passed by Addl. Civil Judge(Sr. Divn.) Jhajjar whereby the appeal filed by the petitioners was dismissed while an application under Order 39 Rule 2-A r/w Section 151 CPC moved by the respondents was allowed and the petitioners were ordered to be detained in civil imprisonment for one month.

Learned counsel for the petitioners inter alia contends that the impugned judgments and decree dated 07.12.2018 and 28.10.2014 deserve to be set aside as the Courts below failed to appreciate that the petitioners were illiterate persons and the interim order ordering status quo dated 13.08.2007, which had been passed on an application under Order 39 Rule 1 and 2 in the civil suit in question regarding alienation and possession had not been intentionally or deliberately violated by the petitioners. Learned counsel further submits that the petitioners were under the impression that the interim order would operate only against the defendants and not against them. Learned counsel submits that the petitioners are ready to tender unconditional apology for the unintentional disobedience of the order dated

13.08.2007.

Heard learned counsel and perused the relevant material available on record.

The submissions made by learned counsel for the petitioners that they were under a wrong impression that the interim order operated only against the defendants and not them deserves to be rejected outrightly. It needs to be noticed that the impugned order directing the petitioners-plaintiffs to maintain the status quo with respect to the alienation and possession of the suit property was passed not only in the presence of the respondents but also in the presence of their counsel.

In the circumstances, this Court has no hesitation in observing that despite being fully aware and conscious of the interim order dated 13.08.2007 whereby specific directions had been issued by the Court concerned to maintain status quo the petitioners had willfully disobeyed the Court's order. Illiteracy or even ignorance would not come to the rescue of the petitioners as they were well represented by their counsel. Prima facie, it does appear that the order dated 13.08.2007 had been willfully disobeyed with an evil intent.

As a sequel to the above, no ground is made out to interference in the impugned orders passed by the Court below. Accordingly, the present petition stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.04.2022
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No