

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

**COCp-2977-2015 (O&M)
Date of decision: 16.02.2023**

Deva Singh

...Petitioner

Versus

Zile Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jai Bhagwan, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. A. G., Haryana.

Mr. Vikram Singh, Advocate and
Mr. Ishnoor Singh, Advocate
for respondent Nos. 1 and 2.

Mr. Kanwaljit Singh, Sr. Advocate with
Ms Shazia K. Singh, Advocate and
Mr. S. K. Liberhan, Advocate
for respondent No. 4.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for initiating contempt proceedings for violating order dated 27.04.1999 passed by this Court in RSA-1073-1999, vide which, in the said appeal filed by respondent Nos. 1 to 3/contemnors, who are plaintiffs in the civil suit, *status quo* was ordered to be maintained with regard to possession. The petitioner/defendant alleges that in violation of the said order, some trees have been cut from the land in dispute. The respondent No. 4 was the SHO of the police station concerned at the relevant time.

It is worth noticing that at one point of time, vide order dated 06.06.2017, the respondents were held guilty for willful disobedience of the

aforesaid order dated 27.04.1999 and were granted opportunity to address arguments on the quantum of sentence. The said order was challenged by way of filing CACP-6-2017 and CACP-7-2017. These appeals were disposed of on 10.01.2019 by passing the following order:

“...Before we could proceed to decide on the maintainability of the present appeal(s) against the order of conviction, both the counsel for the parties have agreed that the matter be heard afresh by the Contempt Court in view of the fact that the appellants/alleged contemnors were not given any opportunity to examine the report submitted by the CJM, Karnal regarding findings against them. I

n view of the aforesaid agreed stand of the counsel for parties, the order dated 06.06.2017 is set aside and the parties are directed to appear before the Contempt Court on a date to be fixed by that Court for a decision afresh on merits in accordance with law. The parties would be free to address all the pleas before the Contempt Court.

Both the appeals are disposed of accordingly...”

Brief facts of the case are that plaintiffs Zile Singh and others, who are alleged contemnors now) had filed a civil suit seeking superior right of pre-emption on the ground that they are in possession of the land on the basis of tenancy, which was partly decreed by the trial Court, vide decree and judgment dated 18.09.1997, however in an appeal, filed by the petitioner/defendant Deva Singh, the lower appellate Court set aside the judgment passed by the trial Court, vide judgment and decree dated 05.03.1999. Against the judgment of the lower appellate Court, the aforesaid RSA was filed by Zile Singh and others (respondent Nos. 1 to 3)

before this Court and on 27.04.1999, the order of *status quo* regarding possession was passed by this Court.

Learned counsels, appearing for the respondents, have placed on record a copy of judgment dated 08.05.2018, vide which, the said RSA stands allowed by this Court setting aside the findings recorded by the lower appellate Court and restoring the judgment of the trial Court. It is held by this Court that the tenancy in favour of the appellants/plaintiffs is proved from the revenue record. Therefore, the interpretation of the order of status quo, qua which the violation is alleged, is to be seen as per the judgment of the trial Court and the judgment dated 08.05.2018 rendered by this Court in the main RSA would lead to a definite conclusion that Zile Singh and others, who are in possession of the land on the basis of tenancy and continued as such.

It is further submitted that this Court has held that plaintiffs have a right to pre-empt the land, meaning thereby the plaintiffs/respondent Nos. 1 to 3 were in possession of the property as tenant throughout the period of litigation and, therefore, the order of status quo regarding possession is to be interpreted in a manner that they were in possession of the property.

At this stage, learned counsel for the petitioner submits that he has filed an SLP before the Hon'ble Supreme Court challenging the judgment passed by this Court in the aforesaid RSA and the same is pending.

After hearing learned counsels for the respondents and also going through the judgments passed by this Court as well as by the trial Court, no case of any willful disobedience is made out.

Accordingly, the present petition is dismissed.

Rule stands discharged.

16.02.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No