

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

**COCp-599-2021 (O&M)
Date of decision: 08.02.2023**

The Punhana Co-operative House Building Society Ltd. ...Petitioner

Versus

Narender Kumar ...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sukhandeep Singh, Advocate for
 Mr. Lokesh Sinhal, Advocate
 for the petitioner.

 Mr. Sachin Mittal, Advocate
 for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the interim order 26.03.2007, passed by this Court in RSA-3790-2005, vide which, while admitting the appeal, the respondent was restrained from alienating the suit property or to raise construction in any manner without the permission of this Court.

Learned counsel for the petitioner submits that now the respondent, in violation of the aforesaid order, has raised construction over the suit property by constructing a shop, without permission of this Court. Learned counsel for the petitioner has placed on record certain photographs to show that the respondent has constructed a shop over the suit property.

In reply, learned counsel for the respondent submits that even in the judgment dated 20.12.2004, passed by the Addl. Civil Judge (Sr. Divn.), Ferozepur Jhirka, wherein the original suit was filed on 29.08.1998,

the respondent/defendant had taken a stand that they have already raised construction over the suit property by spending a huge money and later on, the civil suit, filed by the petitioner, was decreed, however, the lower appellate Court, in an appeal filed by the respondent/defendant, reversed the findings of the trial Court.

I have heard learned counsel for the parties.

In view of the specific stand taken by the respondent/defendant that the said construction was in existence much prior to passing of the aforesaid interim order by this Court and even prior to passing of the decree by the trial Court, no case of any willful disobedience is made out against the respondent.

Accordingly, the present petition is dismissed.

Rule stands discharged.

08.02.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No