

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

2023:PHHC:103253

CR-1521-2020

Date of decision: 09.08.2023

ASHOK

..Petitioner

Versus

RAM SAWRUP AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sandeep Kumar Yadav, Advocate
for LR's of respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. This revision petition has arisen from an order passed by the learned trial Court under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908. The petitioner has been found guilty of violating an interim order passed by the Court. He has been ordered to be sent for civil imprisonment for a period of one month.

2. On 07.12.2022, the following order was passed:-

“Learned counsel for the petitioner states that the petitioner is willing to tender an unqualified apology. The learned counsel further states that he would be filing an affidavit categorically stating therein that the wall which is alleged to have been constructed despite the order of stay has since been demolished.

Notice of motion returnable 20.04.2023.

Meanwhile, the operation of the impugned order shall remain stayed. On or before the next date of hearing, the petitioner shall file an affidavit stating therein that the violation since stands removed along with the photographs and the site plan.”

3. On 20.04.2023, the following order was passed:-

“CM-5091-CII-2023

Present application has been filed for placing on record documents as Annexures P-4 to P-7.

Application is allowed and documents as Annexures P-4 to P-7 are taken on record with all just exceptions.

CR-1521-2020 (O&M)

Learned counsel for the petitioner submits that as per order dated 07.12.2022, two acts were to be performed by the petitioner, first for tendering unqualified apology and second to remove the construction which has been done contrary to the interim order. Learned counsel submits that though the construction, which was done contrary to the interim order, has already been removed, which is clear from the photographs, which have been attached with the affidavit but there is no mention of unqualified apology in the affidavit and hence, the present petition may kindly be adjourned so that the petitioner can come present in Court in person and tender unqualified apology before the court.

In the interest of justice, adjourned to 27.07.2023.”

4. The petitioner along with his learned counsel is present in the Court. He undertakes not to carry out any violation of the interim order passed by the Court till the matter is finally decided.

5. The learned counsel representing the respondent admits that the wall, which was constructed in violation of interim order has already been removed by the petitioner.

6. In view of the aforesaid facts, the order sentencing the petitioner to civil imprisonment is set aside.

7. With these observations, the present petition is disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

August 09th, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No