

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

**COCp-1498-2021 (O&M)
Date of decision: 05.01.2023**

Nazir Khan

...Petitioner

Versus

Saukat Ali and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. M. K. Sharma, Advocate for
Mr. G. S. Bhatia, Advocate
for the petitioner.

Ms. Vidushi Kumar, Advocate
for respondent Nos. 7 to 9.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner alleges the violation of the order dated 02.03.2000 passed by the lower appellate Court during the pendency of the appeal filed by the petitioner, vide which the parties were restrained from alienating the suit property as well as the order dated 22.02.2005 passed by this Court in RSA-2375-2002, vide which again the respondents were restrained from alienating the suit property.

A perusal of the record reveals that the petitioner/plaintiff has filed a suit for declaration in the year 1991 alleging that the suit property was orally gifted to him by one Qudsia Begum, however, later on, he was dispossessed. The suit was dismissed by the civil Judge, vide judgment and decree dated 07.02.2000 by holding that the petitioner has no claim as the property held by Qudsia Begum was inherited by her sister. In the appeal filed by the petitioner, the interim order dated 02.03.2000 was passed directing the respondents not to alienate the property, however, vide

judgment and decree dated 11.02.2002, the appeal was dismissed by the lower appellate Court and the aforesaid RSA was filed by the petitioner before this Court, in which an order of status quo was passed.

Reply, on behalf of respondent Nos. 7 to 9, has been filed, in which it is stated that they were not the party to the original suit and nothing has come on record as to how the violation of the order(s) has been made.

Learned counsel for respondent Nos. 7 to 9 submits that respondent Nos. 2 to 6 have purchased the property and the sale deed was never challenged by the petitioner and a mutation in this regard was also sanctioned, which was a deemed notice to the petitioner, however, the petitioner has neither challenged the sale deed nor the said mutation.

After hearing learned counsel for the parties and going through the record as well as reply filed by the respondents, this Court finds that no case of any willful disobedience or non-compliance of any order passed by the lower appellate Court or by this Court is made out.

Accordingly, the present petition is dismissed.

05.01.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No