

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

**COCp-1519-2021 (O&M)
Date of decision: 25.09.2023**

Bhagat Ram and others

...Petitioners

Versus

Charan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Dinesh Maurya, Advocate for
Mr. Gaurav Arora, Advocate
for the petitioners.

Mr. Parminder Singh, Advocate
for respondent No. 1.

Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Anirudh Gupta, Advocate
for respondent Nos. 2 to 6.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated
29.06.2021, passed by this Court in **CR-1200-2021**, which reads as under:

“Inter alia contends that a bare perusal of the
communication dated 28.05.2021 (Annexure P-17) sent
by SHO, Police Station, Nigdhu to Naib Tehsildar,
Nigdhu-cum-Duty Magistrate, clearly reveals that police
have bent upon to dispossess the petitioners from the
land in dispute.

Notice of motion for 18.08.2021.

Notice re:stay as well.

Till the next date of hearing, no coercive action
shall be taken against the petitioners in pursuance of the
impugned order dated 17.07.2020 (Annexure P-13).”

A perusal of the aforesaid order would show that it was
directed that no coercive action will be taken against the petitioners in

pursuance of the impugned order dated 17.07.2020.

As per affidavit, filed on behalf of respondent Nos. 2 to 6 today in Court, a categorical stand has been taken that in a civil suit pending *inter se* parties, an application under Order 39 Rule 1 & 2 CPC was filed , which was decided on 07.10.2021, after filing of the contempt petition and in the said order, the Civil Judge, after considering all the revenue records as well as previous orders, has recorded a finding that it is the respondent Nos. 2 to 6, who are in exclusive possession of the property and rather entitled to injunction against the contesting defendants i.e. the present petitioners. It is further stated that an appeal is pending before the lower appellate Court, however, there is no injunction against respondent Nos. 2 to 6.

Since the disputed question of law is involved and the Civil Judge is already seized of the matter, no contempt is made out against the respondents.

Accordingly, the present petition is dismissed.

Rule stands discharged.

25.09.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No