

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 4053 of 2019 (O&M)****Date of Decision: 16.11.2023**

Vijay Ganapati

... Petitioner(s)

Versus

Miss Chitra Ganapati

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. The petitioner and the respondent are the brother and sister, respectively. The petitioner's application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 (hereinafter referred to as "CPC") to punish the respondent for violating the interim order of maintaining the status quo dated 25.02.2008, has been dismissed by the trial Court on 22.08.2016, which, in appeal, has been affirmed by the First Appellate Court on 25.02.2019. The suit between the parties is pending before the trial Court. The Courts below have held that the plaintiff has failed to prove that the respondent has willfully violated the interim order. In substance, it is the case of the petitioner that the respondent stopped him from entering the house in question. But he failed to prove that fact.

2. The learned counsel representing the petitioner, while drawing the attention of the Court to page 75 of the paper-book, submits that the incident was admitted. He further submits that in a petition filed in Andhra

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Pradesh High Court, subsequent to the passing of the order, the postal address of the petitioner is with respect to the same house.

3. This Court has considered the submissions of the learned counsel representing the parties. The petitioner herein is required to prove that there is a willful violation of the interim order passed by the Court on 25.02.2008. At the first instance, the order of maintaining the status quo is not specific. Secondly, it is not sufficient to conclude that there is a willful violation of the said order only because in a subsequent petition filed before the Andhra Pradesh High Court, the respondent has been impleaded with the postal address of the same house. Here in the present case, the petitioner is required to prove that he was in possession of some portion of the disputed house and he has been wrongly restrained from enjoying the aforesaid portion. Moreover, the scope of interference, while exercising the revisional jurisdiction, is limited. The learned counsel representing the petitioner has failed to draw the attention of the Court to any perversity or substantive error in the conclusion drawn by the Courts below.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

November 16, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No