

390

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2023:PHHC:149594
COCp-2490-2020
Date of Decision: 23.11.2023

Megha Ohri

...Petitioner

Vs.

Hukam Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. K.S. Dadwal, Advocate for the petitioner.

Mr. Kartik Gupta, Advocate for respondent No.7 to 9.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this contempt petition has alleged violation of order dated 25.02.2010, passed in RSA No.1008 of 2007.
2. The Second Appeal was decided granting injunction in favour of the petitioner, which is stated to have been violated in 2020. The remedy for implementation is execution in terms of the provision of the Code of Civil Procedure. However, without availing the said remedy, the present contempt petition has been filed before this Court and the learned counsel for the petitioner has attempted to prove from the photographs and other documents that the decree as passed by the Court in second appeal has not been obeyed.
3. The question whether the decree passed by this Court has been executed or not itself cannot be gone into in contempt petition. Question regarding its violation would also have to be decided on facts in terms of the provisions contained under order 39 Rule 2-A of CPC. However, without availing such remedies, filing of contempt petition for implementation of

judgment passed in second appeal or in civil proceedings, in the opinion of this Court would not lie.

4. The contempt petition is wholly misconceived and is dismissed accordingly while leaving it open to the petitioner to avail his remedy, in accordance with law.

5. Notices stand discharged.

(SANJEEV PRAKASH SHARMA)
JUDGE

23.11.2023.

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No