

2023:PHHC:149613
COCp-2645-2021 (O&M)
Date of Decision: 23.11.2023

Lehna Singh

...Petitioner

Vs.

Balwan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present None for the petitioner.

Mr. Yashveer Kharb, Advocate and
Mr. Rahul Sharma, Advocate for the respondents.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this contempt petition has alleged violation of order dated 08.01.2021, passed by the learned Addl. District Judge, Sonipat, in an appeal filed against the dismissal of application under Order 39 Rules 1 and 2 CPC.

2. The remedy for implementation of order impugned in the contempt petition 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.

3. The question whether the decree passed by the 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 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