

2024:PHHC:114349



173 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

COCP-3047-2024
Decided on:-02.09.2024

Karam Singh Petitioner..

VS.

Parminder Kaur Respondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Malkit Kaur, Advocate for the petitioner.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 12 of the Contempt of Courts Act, 1971, read with Article 215 of the Constitution of India, prayer has been made for initiation of contempt proceedings against the respondent on account of alleged violation of judgment and decree dated 12.05.2016 passed by the Court of Civil Judge (Junior Division) Kalka, District Panchkula, in favour of the petitioner-plaintiff in Civil Suit No.282-2015, titled as “*Karam Singh vs. Parminder Kaur*”. The operative part from the aforementioned judgment and decree is extracted hereunder:-

“Therefore, keeping in consideration his possession over the suit property, defendant is hereby restrained from taking forcible possession and interference in peaceful possession of the plaintiff.

For the reasons recorded above, this Court finds merit in the suit of the plaintiff and same is hereby decreed with order as to costs. The defendants are restrained from forcibly and

illegally interfering raising any construction or in any other manner dispossessing the plaintiff from the house in dispute except in due course of law. Decree sheet be prepared accordingly and file be consigned to the record-room after due compliance.

Pronounced in open court:
Dated 12.05.2016

(Kirti Vashista)
Civil Judge (Jr Divn).
Kalka”

2. In the given facts and circumstances, wherein, the factum of interference with the judgment and decree dated 12.05.2016 on the part of respondent is a disputed question of fact, it would be appropriate in case the petitioner avails his remedy qua execution thereof in terms of Order 21 CPC.
3. Disposed of accordingly.

02.09.2024
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/ No

(HARKESH MANUJA)
JUDGE