

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.2327 of 2019 (O&M)

Date of Decision: 24.01.2024

Gurmeet Singh and others

.....Petitioners

Versus

Nek Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Agam Bansal, Advocate
for the petitioners.

None for respondent No.1.

Mr. A.S. Sandhu, Advocate
for respondent No.2.

RAJBIR SEHRAWAT, J. (ORAL)

1. This is a contempt petition filed under Section 12 of the Contempt of Courts Act, for initiating contempt proceedings against the respondents for violating the order dated 14.05.2014 passed by this Court in RSA-1046-1986 and statement of respondent dated 14.05.2014, as well as, orders dated 21.05.1990/04.05.1990 passed by this Court in RSA-1046 & 1048-1986.

2. Reply filed on behalf of respondent No.2 in the Registry, is taken on record.

3. The perusal of the compromise, which form part of the decree and qua which the non-compliance is alleged on behalf of respondent No.2, shows that certain facts are required to be determined for giving effect to the compromise. However, the contempt would not be appropriate proceedings for the said purpose. The petitioners deserve to be relegated to the alternate remedy of execution petition; to be filed before the competent Court. Hence, the present petition is dismissed.

4. However, the petitioners are granted liberty to avail their alternate remedy of execution qua the decree in question. Still further, it is clarified that any subsequent suit filed by respondent No.2 shall not be entertained as any impediment, in any manner, by the Executing Court, qua the execution of decree in question. Any right of respondent No.2 which might arise out of his alleged subsequently suit filed, would not affect the rights of the petitioners available to them to the decree in question.

24.01.2024
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No