IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. 336 of 2014

Decided on: 03.11.2025

Lachhman Singh and others ... Petitioners

Versus

Smt. Simro Devi ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1]

For the petitioners	:	Mr. Karan Sharma, Advocate.
For the respondents	:	Mr. Ankush Dass Sood, Senior Advocate with M/s Gaurav Chaudhary and Ruchirangad Singh, Advocates for the 0respondents.

Ajay Mohan Goel, Judge *(Oral)*

By way of this petition, the petitioners have prayed for the following reliefs:-

> *"It is, therefore respectfully prayed that the Hon'ble Court may kindly be pleased to present petition and pleased to set aside the order dated 12.06.2014 passed in Civil Appeal No.29/2012 or may kindly be pleased to take the action against the respondents for violating the orders passed by the Hon'ble Court or any other order that this Hon'ble Court deems just and proper may also be passed in the interest of justice."*

2. The petitioners are aggrieved by the order passed by the learned Trial Court as well as the order passed by the learned

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

2025:HHC:36802

Appellate Court, in terms whereof, the application filed by the present petitioners under Order 39, Rule 2-A of the Code of Civil Procedure was dismissed and so was the fate of the appeal filed against the order passed by learned Trial Court.

3. Having heard learned Counsel for the parties and having gone through the impugned orders, this Court is of the considered view that the same do not call for any interference. A perusal of the order passed by the learned Trial Court demonstrates that in terms of para-11, learned Court returned the findings that it could not be proved by the applicants before the Court that there was any violation of the status quo order grant by it. Learned Court also observed that the provisions of Order 39, Rule 2-A of the Code of Civil Procedure are quasi criminal in nature and any person violating an injunction order was liable to be detained in civil prison and therefore, violation, as alleged ought to be proved beyond reasonable doubt by the party complaining such violation. It thereafter went on to observe that in the case in hand, no evidence existed on record to suggest that in fact the respondents had violated the status quo order. Learned Appellate Court affirmed these findings returned by the learned Trial Court. This Court further stands informed that the Civil Suit itself, in which, the status quo order was passed, stands decided against the present petitioners, though a Regular Second Appeal is pending before this

2025:HHC:36802

Court. This Court is of the considered view that as it was alleged that the order passed by the learned Trial Court under Order 39, Rules 1 and 2 of the Code of Civil Procedure was violated by the defendants therein and learned Trial Court on the perusal of the evidence which was led in the proceedings filed under Order 39, Rule 2-A of the Code of Civil Procedure came to the conclusion that there was no such violation and as these findings returned by the learned Trial Court were upheld by the learned Appellate Court, there is no occasion for this Court to re-appreciate the evidence and arrive at some different conclusion. It could not be demonstrated by learned Counsel for the petitioners that some procedural irregularity or infirmity was committed by the learned Courts below. Further *per se* no perversity could be pointed out in the orders under challenge vis-à-vis the record.

In the light of above discussion, as this Court does not find any reason to interfere with the impugned orders, the present petition is accordingly dismissed. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

November 03, 2025
(*narender*)