

**Sr. No.207****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****COCP-1479-2021 (O&M)****Date of decision: 08th September 2025****CHARANJIT SINGH****.....Petitioner****versus****VARINDERPAL SINGH****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Balwinder Singh, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. By way of filing the instant contempt petition, the petitioner has alleged intentional and willful disobedience of the statement on oath dated 19.04.2019, given by the respondent as well as the order dated 19.04.2019, passed by the learned Additional District Judge, Tarn Taran in CMA No.43 dated 17.12.2019.

2. Learned counsel for the petitioner contends that the petitioner had filed a civil suit for permanent injunction restraining the defendant-respondent from putting any culverts in the water channel comprised in the suit property. The petitioner was not granted any interim relief in the application filed under Order 39 Rule 1 and 2 CPC and such order was challenged by him by way of filing Civil Miscellaneous Appeal before the First Appellate Court, Tarn Taran. During the pendency of the said appeal, the respondent appeared and made a statement on oath on 19.04.2019 and on the basis of the said statement, the petitioner had withdrawn the appeal. However, the parties were directed to remain bound by their statements.

2.1 It is further contended that the respondent-defendant had violated the said statement and later on, the petitioner-plaintiff had even withdrawn the civil suit. It is further contended that the respondent did not honour the statement made by him on 19.04.2019, before the Court of



learned Additional District Judge, Tarn Taran. On 25.04.2019, he put the culverts/poras forcibly with the help of Police.

3. I have considered the aforesaid submissions and perused the paper book.

4. The matter requires recording of the evidence to come to the conclusion that there is violation of the order passed by the First Appellate Court, Tarn Taran. Merely on the basis of the photographs appended along with the present petition, no conclusion can be drawn that the statement given by the respondent has been violated.

5. In view of the decision dated 14.10.2024, passed by the Larger Bench of this Court in CACP-20-2016, titled as **“Rajbir and others vs. Raj Singh (since deceased) through LRs”**, the petitioner has the remedy to file an application under Order 39 Rule II of the CPC rather than approaching this Court under contempt jurisdiction. The petitioner may even avail remedy to seek revival of his civil suit or may file fresh civil suit, if so advised.

6. In view of the above, the present petition stands disposed of with liberty to the petitioner to avail appropriate alternate remedy.

7. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

08th September 2025
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>