

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****126****CR-2547-2025(O&M)****Date of decision: 28.10.2025****Dharamjeet****...Petitioner(s)****Vs.****Smt. Chandermukhi & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Ms. Veena Hooda, Advocate
for the petitioner.*********NIDHI GUPTA, J.**

Present Revision Petition has been filed by the plaintiff under Article 227 of the Constitution of India, seeking setting aside of the impugned order dated 23.01.2025 (Annexure P5) passed by the learned Additional District Judge-I, Charkhi Dadri whereby the Civil Appeal No.62 of 2019 filed by the petitioner against the dismissal of his Contempt Application, has been adjourned sine die.

2. Learned counsel for the petitioner submits that the learned Additional District Judge is in error in adjourning the matter sine die merely on the ground that the Regular Second Appeal against the decree is pending before this Court. It is submitted that the same constitutes no ground for adjourning the Contempt Appeal sine die. It is contended that the same frustrates the purpose of the appeal. Moreover, the impugned order is based on conjectures and surmises and does not stand the test of legality and fairness. Irreparable loss could be caused to the petitioner in case the



Contempt Appeal is not decided. Even no stay order has been passed in the pending RSA restraining the trial Court from proceeding with the Order 39 Rule 2A application of the petitioner. The adjournment sine die frustrates the entire purpose of the interim injunction and gives a licence to the respondent to flout Court orders with immunity. It is argued that violation of the interim order is a separate and independent wrong and said proceedings are maintainable irrespective of the pendency of the Second Appeal. Learned counsel accordingly prays for setting aside of the impugned order.

3. No other argument is made on behalf of the petitioner.

4. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

5. Perusal of record of the case shows that the petitioner had filed Civil Suit dated 19.10.2012 for permanent injunction. It is the case of the petitioner that during the pendency of the suit, the respondent No.1 had executed Sale Deed No.1708 dated 17.12.2012 in favour of respondent No.6. Accordingly, respondent No.6 had moved an application dated 01.08.2013 under Order 1 Rule 10 CPC for impleading respondent No.6 in the main case, which was dismissed. Vide order dated 11.04.2013 (Annexure P1), Local Commissioner was appointed. Thereafter, vide order dated 24.03.2015 (Annexure P2), in the presence of the respondents, they were restrained from demolishing the old construction and raising fresh construction over the



suit property. However, despite the stay order, the respondents No.1 and 2 started damaging the suit property while demolishing certain portion of it. Accordingly, petitioner had moved a Civil Miscellaneous Application No.73 dated 01.05.2015 under Order 39 Rule 2A CPC before the learned Additional Civil Judge, Charkhi Dadri for violation of the order dated 24.03.2015; which has been dismissed by the said Court vide order dated 30.07.2019 (Annexure P3). Against the same, the petitioner has preferred Contempt Appeal dated 19.08.2019 (Annexure P4), before the Addl. District Judge-I, Charkhi Dadri; which has been adjourned sine die vide impugned order dated 23.01.2025.

6. The record further reveals that the civil suit of the petitioner was dismissed vide judgment and decree dated 20.12.2017. However, suit of the petitioner has been decreed in Appeal on 09.10.2023. Against the same, the respondent has filed RSA, which is pending before this Court. Admittedly, petitioner has not filed any execution against the decree in Appeal dated 09.10.2023. Admittedly also, the Regular Second Appeal is pending before this Court against the said decree dated 09.10.2023. Needless to say, the said proceedings would have a bearing on the Contempt Appeal filed by the petitioner. As such, I find no error in the impugned order in adjourning the said Contempt Appeal sine die. Present petition accordingly stands **dismissed**.

7. Pending application(s) if any also stand(s) disposed of.

28.10.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No