



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-3552-2025

Date of Decision: 01.07.2025

NIRMAL SINGH

. . . . PETITIONER

Vs.

GAURAV KALSI

. . . . RESPONDENT

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ranjit Saini, Advocate, for the petitioner.

DEEPAK GUPTA, J.

By way of this revision filed under Article 227 of the Constitution of India, petitioner assails the order dated 19.05.2025, whereby the Court of learned Civil Judge (Jr. Division), Hoshiarpur, has dismissed his objections.

2. As the paper-book would reveal that in a Civil Suit *titled 'Gaurav Kalsi Vs. Nirmal Singh' [CIS No.855 of 2016]*, an application under Order XXXIX Rules 1 & 2 CPC, moved by the plaintiff-respondent herein, was allowed vide order dated 29.04.2017 (Annexure P2), whereby the defendant (*petitioner herein*) was directed to allow the plaintiff-respondent to irrigate the land in dispute without creating any obstruction in irrigation of the land from the tube-well mentioned in the head note of the plaint, till pendency of the suit. The suit was later on decreed on 07.08.2019 vide Annexure P5, whereby plaintiff was held entitled to the relief of mandatory as well as permanent injunction. Defendant was directed to allow the plaintiff to take water from the tube-well installed in khasra No.3//17, which is in the ownership of the defendant. Said defendant-petitioner was also restrained from damaging the water-channel and causing obstructions of the usage of the water from the

water channel by taking water from the tube-well installed in khasra No.3//17 for irrigation purpose.

3. As defendant-petitioner herein disobeyed the order, an application under Order XXXIX Rule 2A CPC was moved by the plaintiff-respondent herein. The trial Court found vide order dated 7.8.2019 (Annexure P3) that defendant of the case i.e. petitioner herein had committed willful disobedience of the order dated 29.04.2017 (Annexure P2) of the Court and as such, he was liable to be punished by way of attachment of the suit property.

4. Later on, objections were filed under Section 47 CPC by the petitioner-JD, which have been dismissed by the trial Court by way of the impugned order and his property has been directed to be put to sale by way of auction.

5. Assailing the impugned order dated 19.05.2025, it is contended by learned counsel that tube-well connection in question was disconnected by the Electricity Department way back in 2017 and even the penalty was imposed upon the petitioner and as such, there was no disobedience.

6. To the specific query put by this Court, it is conceded by learned counsel that though the appeal against the judgment & decree dated 07.08.2019 was filed, which is pending, but there is no stay order by the Appellate Court. It is also conceded by learned counsel that the order dated 07.08.2019 (Annexure P3), whereby the petitioner was held liable for punishment by way of attachment of his property as per Order XXXIX Rule 2A CPC, has not been assailed till date.

7. In view of the aforesaid facts and circumstances, this Court does not find any illegality or perversity in the impugned order, as petitioner continues to disobey the order dated 07.08.2019 (Annexure P3) passed by the Court and the subsequent decree.

8. Holding the present petition to be devoid of any merit, the same is hereby dismissed.

01.07.2025

Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned	: Yes
Whether reportable	: No