



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.6099 of 2019 (O&M)
Date of Decision: 12.03.2025**

Jagdish

...Petitioner

Vs

Kanwar Singh and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jangvir Singh Hooda, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition assails the order dated 01.11.2018 (Annexure P-3), passed by the Court of learned Civil Judge (Senior Division), Mewat vide which the application preferred by the petitioner under Order 21 Rule 32 of the Code of Civil Procedure, 1908 (for short 'CPC') was dismissed and the order dated 09.08.2019 (Annexure P-4), passed by the Court of learned Additional District Judge, Mewat vide which the appeal filed against the said order was dismissed.

2. The facts, as emanating from the revision petition, are that the petitioner had filed a suit for permanent injunction qua residential property situated within the abadi deh of Village Pada, Tehsil Tauru, District Nuh against respondent No.1. The same was decreed on 12.01.2011 by the Court of learned Civil Judge (Senior Division), Nuh and respondent No.1 was restrained from interfering in the peaceful possession of the petitioner over the suit property and from encroaching or raising any construction over the same. An appeal against the said judgment and decree was preferred by respondent No.1 but the same came to be dismissed by the Court of learned Additional District Judge, Nuh vide judgment and decree dated 21.08.2012.

3. It is the case of the petitioner that subsequently two suits were filed by respondent No.1; one was dismissed as withdrawn and the other was dismissed vide judgment and decree dated 04.11.2016.

4. It is the case of the petitioner that thereafter, respondent No.1 started encroaching over a portion of the suit property and tried to tie his buffaloes etc. and keep his fodder over the said portion, leading to the filing of an application under Order 21 Rule 32 CPC (Annexure P-1).

5. The said application was opposed by way of a reply (Annexure P-2) in which all averments were denied. The said application was dismissed so was the appeal, as has been mentioned in the opening part of the judgment, leading to the filing of the present revision petition.

6. I have heard learned counsel for the petitioner.

7. Learned counsel submits that both the Courts have erred in dismissing the application for initiation of contempt proceedings. He submits that there was a blatant violation of the judgment and decree dated 2011. Learned counsel has referred to the impugned orders and has submitted that the same are not sustainable.

8. I have considered the submissions made by learned counsel for the petitioner and have also gone through the paper book.

9. To prove his case, the petitioner, except for himself stepping into the witness box, did not lead any other oral or documentary evidence. No photographs were placed on record. No other witness was examined who could have at least supported the case of the petitioner. Still further, no specific date or time of alleged acts of violation of the orders was mentioned in the application and only omnibus allegations were levelled. It was not specified as to over which portion encroachment had been made. No site plan depicting the suit land and the portion over which the encroachment had been made was filed. As regards the allegation of demolition of the

walls situated in plot No.83 also, it was held that the same was situated in the land of the respondent and, therefore, even if it had been demolished, though not proved, it could not be said to be in violation of the judgment and decree.

10. Much emphasis was led by learned counsel for the petitioner before this Court as also before the trial Court and the First Appellate Court on the cross-examination of RW1 Kanwar Singh wherein he admitted that he had been interfering in the peaceful possession of the petitioner over Khasra No.84 for the last 40 years. This admission, as rightly held by the Courts, could not have been read in isolation and the entire statement had to be considered.

11. Both the Courts came to the conclusion that the petitioner had miserably failed to even prima facie prove that respondent No.1 had violated the directions in the judgment and decree dated. I do not find absolutely any illegality in the findings recorded by both the Courts warranting interference.

In view of the above, finding no merit in the present revision petition, the same is accordingly dismissed.

Pending application(s) if any, stand(s) disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

12.03.2025

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