

**Sr. No.104+215****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CM-15711-CII-2024****CM-15712-CII-2024 in/and****COCP-2938-2023 (O&M)****Date of decision: 03rd November 2025****MOHINDER SINGH AND ANOTHER****.....Petitioners****versus****RAVINDER KUMAR AND OTHERS****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Ashok Jindal, Advocate and
Mr. Durgesh Aggarwal, Advocate
for the petitioners.

None for respondent No.1.

HARPREET KAUR JEEWAN, J. (ORAL)

1. By way of filing the instant petition, violation of the order dated 09.09.2004 (Annexure P-1) and order dated 21.09.2007 (Annexure P-2), passed by this Court in RSA-3493-2004, has been alleged.

2. Learned counsel for the petitioners submits that respondent No.1-plaintiff filed a civil suit for permanent injunction restraining the petitioners-defendants from raising any construction in the street in front of their house. The civil suit was dismissed by the trial Court and challenge was raised against the said order. The First Appellate Court reversed the findings of the trial Court by passing a judgment and decree dated 26.07.2004. The petitioners-defendants raised a challenge to the said findings before the First Appellate Court by way of filing RSA-3493-2004, which is still pending before this Court.



3. During the pendency of the aforesaid Regular Second Appeal, vide order dated 09.09.2004 (Annexure P-1), the operation of the judgment passed by the trial Court as well as by the Lower Appellate Court, was stayed till further orders. Thereafter, another order dated 21.09.2007 (Annexure P-2) was passed in the aforesaid Regular Second Appeal, whereby, *status quo* regarding the suit property was ordered to be maintained.

4. Learned counsel for the petitioners contends that respondents No.1 to 4 have intentionally and deliberately violated the orders of this Court by demolishing the kitchen, bathroom and uprooting the trees in the suit property, whereas, respondents No.5 and 6 are hand-in-glove with respondents No.1 to 4.

5. I have heard the learned counsel for the petitioners and perused the paper book.

6. The matter requires recording of evidence to conclude as to whether the order of this Court has been violated. Moreover, the proceedings in the Regular Second Appeal are in continuation to the proceedings arising from the civil suit.

7. In a similar matter, the Larger Bench of this Court, vide order dated 14.10.2024, passed in CACP-20-2016, titled as “*Rajbir and others vs. Raj Singh (since deceased) through LRs*”, observed that since the Regular Second Appeal is in continuation of a suit, as such, the appropriate remedy is available under Order 39 Rule 2-A CPC, rather than approaching the Court of contempt jurisdiction.



8. Keeping in view the above facts and circumstances and in view of the ratio of the decision of the larger Bench of this Court in *Rajbir and others (supra)*, the present petition is disposed of. However, liberty is reserved in favour of the petitioners to have recourse to appropriate civil remedy.

9. It is made clear that nothing expressed hereinabove shall be construed to be an expression of opinion on the merits of the case.

10. Pending miscellaneous applications shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03rd November 2025
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>