



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

CR-7177-2025

DECIDED ON: 27.10.2025

RAJA RAM @ DHAN SINGH

.....PETITIONER

VERSUS

DULI CHAND

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Gaurav Singla, Advocate
for the petitioner.

MANDEEP PANNU, J (ORAL)

1. This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 27.09.2022 passed by the learned Civil Judge (Senior Division), Palwal and 02.08.2025 passed by the learned Additional District Judge, Palwal, whereby the application filed by the petitioner–plaintiff under Order 39 Rule 2A of the Code of Civil Procedure, 1908 was dismissed and the appeal preferred against the same was also dismissed.

2. The facts, in brief, are that the petitioner–plaintiff filed a civil suit for declaration, mandatory and permanent injunction against the respondent–defendant, claiming himself to be co-owner in possession of the suit property. During the pendency of the said civil suit, the learned trial Court, vide order dated 11.02.2016, directed both the parties to maintain status quo with regard to the possession of the suit property.

3. It was alleged by the petitioner that despite the said order being in force and in knowledge of the respondent, on 12.03.2016, the respondent–defendant along with his family members and other persons demolished a part of the suit property and removed the material such as bricks, garters and shutters in violation of the court’s status quo order. Consequently, the petitioner moved an application under Order 39 Rule 2A CPC alleging wilful disobedience of the court order dated 11.02.2016.

4. The learned Addl. Civil Judge (Senior Division), Palwal, after framing issues and recording evidence, held that the burden to prove the violation of the order dated 11.02.2016 was upon the applicant–plaintiff. The Court observed that Order 39 Rule 2A CPC is punitive in nature and akin to the provisions of the Contempt of Courts Act, and hence the violation must be proved beyond any reasonable doubt.

5. The Court noted that the status quo order was only regarding possession of the suit property and not regarding construction or demolition. The applicant’s witnesses merely deposed about alleged demolition and removal of materials but none of them specifically deposed that the applicant was in possession of the suit property at the relevant time or that the respondent had interfered in such possession.

6. The photographs and RTI documents produced by the applicant were found not duly proved and insufficient to establish wilful violation. It was further observed that the land in dispute had been acquired by NHAI for road construction and the work continued throughout the pendency of the case. The trial Court relied upon the judgment of the Hon’ble Supreme Court in ***Food Corporation of India vs. Sukhdeo Parsad [(2009) 5 SCC 665]***,

holding that strict proof is required for such disobedience, which was lacking in this case. Consequently, the application was dismissed.

7. The learned Additional District Judge, Palwal, upon hearing the appeal (CMA No. 80 of 2022), concurred with the trial Court's findings and held that there was no illegality or infirmity in the order dated 27.09.2022.

8. It was observed that although the plaintiff had alleged demolition and lifting of material, there was no clear pleading identifying the specific portion of the suit property allegedly possessed by him. The Court noted that the photographs Ex. A6 to A19 relied upon by the plaintiff did not conclusively prove that the respondent had interfered with his possession. During cross-examination, the respondent denied any demolition and stated that after learning of the stay order, no further work was carried out.

9. The Appellate Court held that mere admission that the respondent was performing some work on the day when the order was passed did not constitute disobedience thereafter. It reiterated that the petitioner failed to prove beyond doubt any breach of the order dated 11.02.2016. Finding no merit, the appeal was dismissed vide order dated 02.08.2025.

10. Feeling aggrieved by the orders passed by Courts below, the petitioner has approached this Court by way of the present revision petition.

11. Learned counsel for the petitioner argued that both the courts below failed to appreciate the evidence properly. It was contended that the grant of the status quo order itself establishes the possession of the petitioner over the suit property, and therefore, the respondent was under a duty not to interfere or cause damage. He further argued that ample oral and

documentary evidence, including the statement of witnesses and photographs, had been produced to show violation, but the same were ignored by both courts.

12. It was also contended that once the petitioner had proved *prima facie* violation, the burden shifted to the respondent to show compliance with the court's order. Learned counsel prayed that the impugned orders are based on conjectures and are liable to be set aside.

13. The matter being limited in scope and involving a short question of law, no notice was considered necessary to be issued to the respondent.

14. I have considered the contentions of learned counsel for the petitioner and have carefully gone through the record of the case. No notice to the respondent is required in the facts of the present revision.

15. It is not in dispute that the status quo order dated 11.02.2016 directed both the parties to maintain possession of the suit property as existing on that date. The alleged act of demolition or removal of material by the respondent was not proved by any cogent or reliable evidence. The photographs relied upon were not duly proved in accordance with law, and even the statements of the witnesses do not establish that the petitioner was in exclusive possession of the specific portion allegedly interfered with.

16. The courts below have rightly observed that the standard of proof under Order 39 Rule 2A CPC is similar to that under the Contempt of Courts Act, and violation must be established beyond reasonable doubt. Mere suspicion or inference cannot form the basis for punishing a party for contempt. Both the courts have correctly appreciated that no injunction had been granted restraining construction or demolition, and thus, even assuming

that some work was carried out, it cannot be termed as disobedience of the court order.

17. The learned Additional District Judge has rightly affirmed that once the respondent had stopped the work immediately after the stay order came to his notice, no further act of violation was made out. Moreover, the petitioner himself admitted that the property had been acquired by NHAI and that road construction work continued on the site, which further belies the allegation of personal demolition by the respondent.

18. Thus, this Court finds that both the trial Court and First Appellate Court have given concurrent findings of fact, based on proper appreciation of evidence. No jurisdictional error, perversity, or material irregularity has been pointed out which may warrant interference under Article 227 of the Constitution of India.

19. In view of the above discussion, this Court is of the considered opinion that the impugned orders dated 27.09.2022 and 02.08.2025 do not suffer from any illegality or material irregularity. Both the courts below have correctly held that the petitioner failed to establish wilful disobedience of the order dated 11.02.2016. The findings recorded are well-reasoned and supported by the material on record.

20. Accordingly, the civil revision petition, being devoid of merit, stands dismissed. No order as to costs.

21. All pending miscellaneous application(s), if any, stands disposed of.

27.10.2025

Poonam Negi

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(MANDEEP PANNU)
JUDGE