



COCP-5274-2024 (O&M)

-1-

103

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

**COCP-5274-2024 (O&M)
Date of Decision: 05.09.2025**

MSD Senior Secondary Public School and anotherPetitioners

Vs.

Akash Jot and anotherRespondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Sumeet Mahajan, Senior Advocate with
Ms. Kashish Garg, Advocate,
Ms. Radhika, Advocate,
Ms. Shruti Singla, Advocate, and
Mr. Shrey Sachdeva, Advocate,
for the petitioners.

Mr. Ghulam Nabi Malik, Advocate,
for respondent No.1.

Mr. Animesh Sharma, Addl. A.G., Punjab,
for respondent No.2

SUDEEPTI SHARMA J. (ORAL)

1. The present contempt petition has been filed under Section 10 read with Section 12 of the Contempt of Courts Act, 1971, for wilfully disobeying judgment and decree dated 10.01.1974 passed by learned Sub Judge, IIIrd Class, Bathinda, in Civil Suit No.57 of 11.01.1971 titled as "Punjab Wakf Board Vs. MSD High School".

2. Learned senior counsel for the petitioners contends that the civil suit filed by the respondent-Punjab Wakf Board was dismissed by learned



COC-5274-2024 (O&M)

-2-

Sub Judge, IIIrd Class, Bathinda, vide its judgment and decree dated 10.01.1974 and even appeal filed by the said respondent against the judgment and decree dated 10.01.1974 was also dismissed by the learned Senior Sub Judge, Bathinda, vide its judgment and decree dated 26.02.1975. He, therefore, contends that there is intentional disobedience of the said judgment and decree dated 10.01.1974.

3. I have heard learned counsel for the parties and perused the case file with their able assistance.

4. It would be apposite to reproduce relevant portion of the judgment and decree dated 10.01.1974 passed by learned Sub Judge, IIIrd Class, Bathinda, passed in Civil Suit No.57 of 11.01.1971, which reads as under:-

“(10) Issues Nos. 2 and 3

Both these issues are inter-connected. So these are discussed together. The present suit was filed on 1.1.1971 and it is alleged in the plaint that the defendant took forcible possession of the same about 2 years prior to the institution of the present suit i.e. in Januyar, 1969. PW-1 Mohd. Sadiq has stated that he has no personal knowledge about the taking of illegal possession of the suit land by the defendant. His predecessor Ayula Khan has not been produced to prove this fact. So the allegation of dispossession of the suit land by the defendant, two years prior to the institution of the present suit, has not been proved by any cogent evidence. On the contrary, the defendant has produced evidence consisting of the statements of Hans Raj Dev, Manager DW 2 and BanariDass Secretary of the defendant School came into the witness box as DW2 to prove adverse possession of the suit land for more than 12 years.

(11) *The Ld. Counsel for the plaintiff relied on sections 8 & 11 of Administration of Evacuee Property Act, 1950*



and contended that under section 8 only person or trespasser of the Evacuee Property would be deemed to be in possession of the property as a trustee for the Government and adverse possession would not remain against the custodian and that under section 11 of the said act, the custodian should be deemed to be in possession of the Wakf Property till new trustee is appointed and as the Punjab Wakf Board was constituted in the year 1960 so the limitation would start from 1960 but both these contentions in my opinion are not tenable at law. After the enforcement of Wakf Act, 1954 that provision of Administration of Evacuee Property Act, 1950 ceased to apply to the Wakf Property on 15.1.55 when the Wakf Act, 1954 was enforced in pepsu. So even if the adverse possession of the suit land is taken from 15.1.55 upto 1.1.1971 when the present suit was filed by the plaintiff, adverse possession becomes for more than 12 years. The provisions of section 11 of the Administration of Evacuee Property act, 1950 apply only to public wakfs if a new trustee is appointed by the Central Government or special order under the provisions of administration of Evacuee Property Act, 1950. But the Punjab Wakf Board was constituted not under the Government or special order under the said act but under section 9 of the wakf act, 1954. So the plaintiff cannot take any benefit of this provision of law also. From the evidence produced by the defendant, it is clearly proved that he was having his actual possession of the suit land for more than 12 years and his possession was peaceful, open, hostile and continuous. As there is no rebuttal to the evidence produced by the defendant, I have no alternative but to conclude that since the period of more than 12 years had already elapsed and that the suit has been filed after that period, the same is barred by limitation and as the defendant has been in possession for more than 12 years, his possession has ripened into full ownership so these issues are decided against the plaintiff.

(12) Relief

In view of my findings on the above issues, suit of the plaintiff must fail and same is hereby dismissed with Decree prepared.”



5. A perusal of the above referred to judgment and decree dated 10.01.1974 shows that there is no direction given to the respondents, for disobedience of which the present contempt petition has been preferred by the petitioners.

6. It would be apposite to reproduce Section 20 of the Contempt of Courts Act, 1971, which reads as under:-

“20. Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

7. A bare reading of Section 20 referred to above shows that limitation for action for contempt is one year and the present contempt petition has been filed by the petitioners after almost about 51 years for disobedience of order dated 10.01.1974. Further, civil suit was filed by the respondent-Punjab Wakf Board against the petitioner, which was dismissed vide judgment and decree dated 10.01.1974 passed by learned Sub Judge (A), Bathinda, and the appeal preferred by the respondent-Punjab Wakf Board against the same was also dismissed by learned Senior Sub Judge, Bathinda. And there is no direction to the respondents in the judgment and decree dated 10.01.1974.

8. In view of the above, the present contempt petition is not maintainable. Moreover, the present contempt petition has been filed by the



COC-5274-2024 (O&M)

-5-

petitioners after almost about 51 years. Accordingly, the present contempt petition is **dismissed**.

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

(SUDEEPTI SHARMA)
JUDGE

05.09.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No