

2026:PHHC:003934



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

COCP-210-2023

Date of Decision: 14.01.2026

JOHNY MATHEW

...Petitioner

**Versus**

KOMAL SHARMA AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present:-** Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Prateek Aggarwal, Advocate for  
Mr. Ravinder Choudhary, Advocate  
for the respondents (through video conference).

**VIKRAM AGGARWAL, J.(Oral)**

The instant contempt petition has been instituted under Section 12 of the Contempt of Courts Act, 1971 (hereinafter referred to as 'the 1971 Act'), for initiation of contempt proceedings against the respondents (Mrs. Komal Sharma & Mr. Devender Sharma) for deliberate and willful disobedience of order dated 14.01.2022 passed in CR-128-2022.

2. The petitioner is owner in possession of Flat No.A-9, First Floor, South City-II, Sohna Road, Gurgaon, whereas the respondents are joint owners of Flat No.A-9, Second Floor, South City-II, Sohna Road Gurgaon. A builder (M/s Unitech Limited) had constructed three flats on Plot No.A-9 on which, as mentioned above, the petitioner is on the first floor and the respondents are on the

second floor. As per the petitioner, the ground floor consists of a three bed rooms set; the first floor consists of a two bed rooms set and the second floor consists of a one bed room set. The ground floor has a built up area of 1277 sq. ft., the first floor 1159 sq. ft. and the second floor 770 sq. ft.

3. As per the petitioner, the respondents started raising illegal construction on the second floor, as a result of which, the petitioner instituted a suit for permanent injunction. Vide order dated 01.07.2021 (Annexure P-4), parties were directed to maintain status quo qua construction upon the terrace of the second floor till further orders.

4. An application for vacation of the said status quo order was filed by the respondents, which was dismissed vide order dated 27.07.2021 (Annexure P-5).

5. An appeal was also preferred by the respondents against the said order which too was dismissed vide order dated 21.10.2021 (Annexure P-6) passed by the Court of Additional District Judge, Gurugram.

6. The respondents then instituted Civil Revision No.128-2022 titled as Komal Sharma and Anr vs. Johny Mathew and Ors., in which, the respondents herein were permitted to carry out requisite repairs under videography and they were called upon to place on record the proof of the same by way of a DVD on the Court file.

7. It is the case of the petitioner that in willful disobedience of the said order, the respondents raised construction over the terrace

of the second floor, as a result of which, the present petition was instituted.

8. The contempt petition has been opposed by the respondents by way of a reply. It has been averred that after the passing of the order dated 14.01.2022, neither any repair work was done nor any construction was raised. It has been averred that ultimately, the application under Order 39 Rules 1 and 2 CPC filed by the petitioner/plaintiff before the civil Court was dismissed vide order dated 06.01.2023 and after the same, construction work was started by the respondents. It has been averred that under the circumstances, no violation or disobedience of order dated 14.01.2022 has been committed.

9. I have heard learned counsel for the parties.

10. Sh. Sapan Dhir, learned counsel for the petitioner has strenuously urged that the respondents have willfully disobeyed the order dated 14.01.2022 by raising construction. It has been submitted that neither the DVD nor any proof of the construction raised, was placed on record and eventually, the revision petition was dismissed for non-prosecution.

11. Per contra, learned counsel for the respondents has submitted that there has been no disobedience of the order by the respondents and that the construction has been raised after the dismissal of the injunction application.

12. I have considered the submissions made by learned counsel for the parties.

13. On 14.01.2022, a Co-ordinate Bench passed the following order in CR-128-2022:-

*“ Notice of motion.*

*Since learned counsel for the petitioners contends that due to the status quo order granted by the Courts below, the petitioners are unable to carry on with the further construction. However, due to sudden stoppage of certain essential repairs, required otherwise are also held up, extreme difficulty to the petitioners is being caused, particularly, given the current cold conditions caused by the weather.*

*In the peculiar premise, during pendency of the proceedings, the petitioners may carry on requisite repairs under videography and the proof of the same by way of DVD be placed on the Court file on or before the next date of hearing.*

*It is made clear that permission is being granted only to carry out the repairs and not any further constructions.*

*Post it on 16.03.2022.”*

14. Concededly, the injunction application in which an order of status quo had initially been passed, was ultimately dismissed vide order dated 06.01.2023. It is the categorical case of the respondents that the construction was raised after this order. The contempt petition has also been instituted after the passing of the said order. Nothing has been placed on record to show that any construction was raised after 14.01.2022 and before dismissal of the injunction application on

06.01.2023. Concededly, the revision petition i.e., CR-128-2022 also stands dismissed for non-prosecution.

15. Be that as it may, there is no material on record to even *prima facie* suggest that some construction had been raised by the respondents in disobedience of the order dated 14.01.2022.

16. That being so, the contempt petition is found to be devoid of merit and is accordingly dismissed.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**14.01.2026**  
Himanshu

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