

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****106****COCP-2011-2026 (O&M)****Date of decision: 29.04.2026****Palwinder Singh @ Palvinder Singh****...Petitioner(s)****Vs.****Harbans Singh through his LR and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Rahul Jaswal, Advocate for the petitioner.*************NIDHI GUPTA, J.**

Present Contempt Petition under Section 12 of the Contempt of Courts Act, 1971 has been filed alleging violation of the order dated 28.08.2019 (Annexure P-1) passed in **RSA-4016-2019** titled as "**Palwinder Singh vs. Harbans Singh through his LR and others**" whereby it had been directed that *"The Executing Court is directed to adjourn the case beyond the date given for appearance of the parties before Mediator so that the possibility of an amicable settlement can be arrived at."*

2. It is contended by learned counsel for the petitioner that in violation of the said direction of this Court given to the Executing Court to adjourn the case beyond the date given, the learned Executing Court has dismissed the Execution Application of the respondent/decreed holder as being "fully satisfied" vide order dated 09.03.2024 (Annexure P-9).



3. Learned counsel contends that in view of the stay granted by this Court vide order dated 28.08.2019 (Annexure P-1), the Execution Petition could not have been dismissed.

4. It is further submitted that in terms of Constitutional Bench judgment of Hon'ble Supreme Court in **High Court Bar Association, Allahabad v. State of U.P. (SC) (Constitution Bench): Law Finder Doc Id # 2510532**, the said stay granted vide order dated 28.8.2019 shall be deemed to continue till it is vacated by way of specific order.

5. It is accordingly prayed that the present Contempt Petition be allowed.

6. No other argument is raised on behalf of the petitioner. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner.

7. A perusal of the order dated 28.08.2019 (Annexure P-1) shows that this Court had directed as follows:-

"The Executing Court is directed to adjourn the case beyond the date given for appearance of the parties before Mediator so that the possibility of an amicable settlement can be arrived at."

8. Perusal of the subsequent orders passed by this Court on dated 19.10.2019, 20.11.2019, and 11.12.2019 (Annexures P-2, P-3 and P-4 respectively) show that the said interim direction was continued by this Court till 11.12.2019. A perusal of the subsequent orders dated 30.11.2022, 24.03.2022, 13.12.2022, 31.05.2023, 09.04.2024, 30.07.2024

(Annexure P-5 collectively) passed in the aforesaid RSA-4016-2019 show that the stay granted by this Court has not been continued thereafter.

9. In the aforesaid facts, reliance of the petitioner upon the aforesaid Constitutional Bench judgment is misplaced as from the order dated 28.08.2019 itself, it is clear that Executing Court had been directed to adjourn the case only to facilitate the mediation proceedings between the parties. On a direct Court query, learned counsel for the petitioner has admitted that mediation between the parties was not longer subsisting.

10. Consequentially, no ground was made out for continuance of the stay order. Thus, in dismissing the Execution Petition as being “fully satisfied” vide order dated 09.03.2024 (Annexure P-9), no error for violation of the order dated 28.8.2019 is made out. Hence, the present Contempt Petition is hereby **dismissed**.

11. **Rule stands discharged.**

12. Pending applications, if any, stand disposed of.

29.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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