



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

COCP-2205-2025
Decided on:07.05.2025

Chaman Lal

. . . Petitioner

Versus

Gurmej Ram and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Bhajan Singh Sodhi , Advocate for the petitioner.

VIKAS BAHL, J.(ORAL)

1. Present Contempt Petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 for punishing the respondent for violating the order dated 01.03.2025 (Annexure P-1) passed by the Additional Civil Judge (Sr. Divn.), SBS Nagar.

2. Order dated 01.03.2025 had been passed in a civil suit filed by the petitioner herein alongwith one Sucha Ram. The operative part of the said order is reproduced hereinbelow:-

“4. In view of the submissions made by the plaintiff, defendants are hereby restrained from raising construction in excess of their share in the suit property. Now to come up on 17.03.2025 for filing amended title and ex parte evidence.

Date of order: 01.03.2025”

3. Further perusal of the above order would show that the suit qua LR's of defendant No.14 had been dismissed as withdrawn and defendant Nos.1 to 13 and 15 to 20 had been proceeded against *ex parte*.



4. Learned counsel for the petitioner has submitted that he does not wish to withdraw the present petition with liberty to seek alternate remedy in accordance with law and has submitted that he would press the present petition and would invite an order on merits.

5. On a pointed query raised by this Court, learned counsel for the petitioner has not been able to show that which particular defendant has violated the said order nor has been able to show the share of the said defendant in the suit land. Learned counsel for the petitioner has also not been able to *prima facie* show that any construction is being done by the defendants which is in excess of their share of the suit property. Only vague averments have been made in the present petition to the effect that the respondents are raising construction over the suit land. Moreover, at any rate, before proceeding in the contempt proceedings, it would be necessary to know as to what is the exact share of the defendants and as to whether they are raising construction on the same or not and in case, they are raising construction, then as to whether it is in excess of their share or not. The said aspects raise disputed questions of fact and the petitioner has not annexed any material nor has made any specific averments regarding the same.

6. Keeping in view the abovesaid facts and circumstances, the present petition is meritless and deserves to be dismissed and is accordingly dismissed.

(VIKAS BAHL)
JUDGE

07.05.2025

Mehak

*Whether reasoned/speaking?
Whether reportable?*

*Yes/No
Yes/No*