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

COCP-718-2021

Date of decision: 19.08.2025

POOJA KRISHAN KUMAR

..Petitioner

Versus

BHARAT BHUSHAN MADAN AND ANR

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Ishma Randhawa, Advocate
Ms. Akshita Tandon, Advocate
for the petitioner.

Mr. Prateek Pandit, Advocate
for respondents.

SUDEEPTI SHARMA, J. (Oral)

1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 23.10.2019 passed in CR-6064-2019, which is reproduced as under:-

“Memorandum of appearance on behalf of the Respondent filed in Court today is taken on record.

Through this revision under Article 227 of the Constitution of India, tenant-judgment-debtor has laid challenge to order dated 02.09.2019 (Annexure P-6) of the executing Court, whereby her objections were dismissed and warrants of possession have been issued.

Heard.

Without commenting on merits of the case, this revision is disposed of with observation that execution proceedings shall remain stayed till trial Court decides application of the Petitioner under Order 9 Rule 13 CPC preferably within six months.”



2. Mr. Ashok Kumar Madaan, has filed compliance report by way of an affidavit dated 10.01.2023 along with Annexure R-2/1, R-2/2 and R-2/3, in response to order dated 23.10.2019 passed in CR-6064-2019, which is attached with the present petition.

3. The relevant para 3(c) and (h) of the affidavit dated 10.01.2023, are reproduced as under:-

“a) XXXXX XXXX

b) XXXXX XXXXX

c) That the contents of sub para (c) need no reply being matter of record. However, it is vehemently denied that petitioner had no knowledge of the eviction proceedings. The petitioner was fully aware of the eviction proceedings but deliberately failed appear in the same. It is further pertinent to mention here that the application filed by petitioner under order 9 Rule 13 CPC for setting aside ex-parte eviction order already stands dismissed for non-prosecution vide order dated 20.12.2021. The true copy of order dated 20.12.2021 is annexed herewith as Annexure R-2/1.

d) XXXX XXXX

e) XXXX XXXX

f) XXXX XXXX

g) XXXX XXXX

h) That the contents of sub para (h) are denied being false and incorrect. The petitioner is a person with criminal antecedents. There are several FIRs for cheating and fraud on the pretext of sending abroad have been registered against her and she is on the run in said cases. Due to this reason the petitioner had vacated the possession of the demised premises and had left the area. Infact the petitioner had vacated the demised premises on 22.11.2020 and handed over the possession of the same.



The true copy of the CD containing the Videos recorded in the CCTV cameras installed inside as well as outside the flat in question showing the petitioner getting her articles packed and removed from the flat are annexed herewith as Annexure R-2/2. However, later on the petitioner with a malafide intention to blackmail the answering respondent filed a false complaint with the police on 27.11.2020 alleging that the answering respondents have forcibly taken possession of the demised premises. Even the said complaint was inquired into by the police of P.S. Division No. 6 and found to be false. The true translated copy of the report dated 15.03.2021 is annexed herewith as Annexure R-2/3.”

4. Annexure R-2/3 attached with the present petition is reproduced as under:-

“It is, submitted that application No. 405-5/BH dated 27.11.2020 was given by Pooja Krishan Kumar R/o Flat No. 11B, Block B, Silver Heights, Wadala Chowk, Jalandhar against Ashok Madaan, Vicky Madaan @ Vikram Madaan, Bharat Bhushan Madaan and office bearers of Silver Heights Society regarding breaking of locks of her flat and affixing new locks and stopping her from entering into the flat.

Application No. 406-5/BH dated 28.11.2020 was given by Ruchi Madaan wife of Vikram Madaan resident of Flat No. 11, Block B, Silver Heights, 2nd Floor Nakodar Jalandhar presently resident of VPO Ayyapur Tehsil Dasuya District Hoshiarpur against Pooja wife of S.J. Kumar, Sunil Passi son of not known Residents of flat No. 11B, Block B, Silver Heights, Wadala Chowk, Jalandhar for taking forcible possession of above said flat and verbally abusing and getting death threats issue from unknown persons.



The inquiry of above numbered both applications was conducted by summoning both the sides and hearing them and the statement of applicant Ruchi Madaan was recorded whereas applicant Pooja Krishan Kumar stated that she will get recorded her statement later on after consulting her lawyer but Pooja Kumar subsequently never came present in the police station nor she got recorded her statement. From perusal of both the applications and from the statements recorded it has been found that the son of Taya of husband of Ruchi Madaan namely Bharat Bhushan Madaan son of Darshan Lal Madaan resident of Flat No. 11 Block B, Silver Height, 2nd Floor, Nakodar Road, Jalandhar is having one flat no. 11, Block B, 2nd Floor, Nakodar Road, Jalandhar. The son of Taya of husband of Ruchi Madaan namely Bharat Bhushan had executed a rent agreement of above flat with Pooja Krishan Kumar wife of S.J. Kumar R/o Flat No. 11, Block B Silver Height, 2nd Floor, Nakodar Road, Jalandhar in July, 2016. Thereafter, son of Taya of husband of Ruchi Madaan namely Bharat Bhushan went abroad to Germany and he had given his power of attorney regarding the said flat to his uncle (Chacha) Ashok Kumar Madaan. That Ashok Kumar Madaan on 21.11.2020 had got the flat vacated from Pooja and on 22.11.2020 had given the flat to Ruchi Madaan for residence. Above said flat has been vacated by Pooja with her own will and consent on the asking of Ashok Kumar Madaan. In this regard Ruchi Madaan has produced Videos in which Pooja Krishan Kumar above said is getting her articles removed from the flat by labourers and loading the same in Chota Hathi Vehicle. Applicant Pooja Krishan Kumar has vacated the above said flat and removed her articles with her own will and shifted the same. Apart from this both sides in their respective



applications had levelled allegations regarding verbal abuse, breaking of locks and giving threats but both sides did not produce any evidence or witness regarding the same and therefore, the said allegations are not prove. Further more applicant Pooja Krishan Kumar had filed CR No. 6064 of 2019 before the Hon'ble Punjab and Haryana High court, Chandigarh and the same has been disposed of. No further action by the police is required on the above application. Therefore, it is recommended that both the applications be filed in the office.”

5. In view of the above, the contempt is purged and rule is discharged.

August 19th, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

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