

COCP No. 1283 of 2015 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP No. 1283 of 2015 (O&M)

Date of Decision: December 19, 2016

Jasdeep Singh

...Petitioner

Versus

Major Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. B.S. Sewak, Advocate
for the petitioner.

Mr. D.D. Bansal, Advocate
for the respondent.

AUGUSTINE GEORGE MASIH, J. (Oral):

Petitioner has approached this Court alleging violation of the order dated 04.04.2006 passed by this Court in RSA No.2578 of 2004, titled as 'Jasdeep Singh & another Vs. Major Singh & others', (Annexure P-1).

It is the contention of the learned counsel for the petitioner that the respondent has made an effort to dispossess the petitioner and for that, he asserts that the wheat crop which was ripe for harvesting in the land which is in possession of the petitioner was damaged by the respondent. On 25.04.2015 at around 7 PM in the evening, this fact he came to know when he visited the said field. Counsel contends that the petitioner has lodged a DDR on 01.05.2015 (Annexure P-4). Photographs have also been appended as Annexure P-3 with the petition. He, on this basis, asserts that the order passed in the Regular Second Appeal, dated 04.04.2006, has been violated

COCP No. 1283 of 2015 (O&M)

by the respondent.

Upon notice having been issued, reply to the contempt petition has been filed, where the allegations made by the petitioner have specifically been denied. Counsel for the respondent asserts that merely because a DDR has been lodged by the petitioner against the respondent, would not be evidence sufficient enough to hold that the said crop was damaged by the respondent in the light of the specific denial by the respondent. He contends that no replication to the reply which has been filed by the respondent, has been filed.

I have considered the submissions made by the counsel for the parties and with their assistance have gone through the pleadings of the case but do not find the assertion of the counsel for the petitioner to fit enough to hold that the respondent has violated the order dated 04.04.2006, contempt of which is alleged. Merely because a DDR has been lodged by the petitioner, would not be enough to pin down the respondent and hold him guilty of contempt.

The petition, therefore, stands dismissed.

Rule issued to the respondent stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

December 19, 2016
Harish

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

Whether Reportable: **Yes/No**