

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****111****COC-4828-2025 (O&M)****Date of decision: 23.09.2025****Gian Chand****...Petitioner(s)****Vs.****Smt. Birwati and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

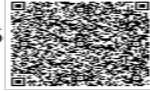
Present:- Mr. Paras Jagga, Advocate for the petitioner.

NIDHI GUPTA, J.

Present Contempt Petition has been filed alleging violation of order dated 06.05.2016 passed in RSA No. 280 of 2014 titled as **Birwati and others vs. Karan Singh and others** (Annexure P-1); whereby parties were directed to *"maintain status quo qua suit property as it exists today."* It is contended by learned counsel for the petitioner that the respondents have violated the said order by trying to change the nature of the suit property. To substantiate his contention, the petitioner refers to the photographs (Annexure P-2), which allegedly reflect the demolition of wall by the respondents. It is accordingly submitted that the respondents be punished in accordance with law for violation of the order dated 06.05.2016 (Annexure P-1) passed by the Coordinate Bench of this Court.

2. No other argument is raised on behalf of the petitioner.

3. I have heard ld. counsel and perused the case file in detail.



4. I find no merit in the present petition as a perusal of the case file shows that it has been averred in para 6 of the present Contempt Petition as follows: -

“6. That earlier also respondents approached the Hon'ble Court by filing the CM No. 4616-C of 2021 (wrongly typed as CRM No. 4616-C of 2021) before this Hon'ble Court in which order dated 29.10.2021 (wrongly typed as 29.09.2021) was passed by this Hon'ble Court allowing the defendants No. 1 & 2/respondents to repair the roof of their house. However, violating the said order respondents had taken undue advantage had started to change the nature of the suit property. As such, co-appellant, namely, Sukhbir Singh approached the Hon'ble Court by filing the COCP No. 470 of 2023, which is still pending.”

5. Order dated 29.10.2021 passed in CM-4616-C-2021 reads as follows:-

“CM-4616-C-2021

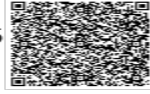
CM-7301-C-2021

CM-4616-C-2021 has been filed for hearing of CM No.7301-C-2019 seeking permission to repair roof of the house by respondent No.1 and 2.

Despite advance service of the application, none appears on behalf of the non-applicant/appellants.

For the reasons stated in the applications, the applicant is allowed to carry out the repair under videography and a compact disc thereof be placed on the Court file.

Applications stand disposed of.”



6. From the above facts, it is clear that the respondents were permitted to carry out repairs of their roof. The petitioner had even failed to put in appearance before the Coordinate Bench at the time of passing of order dated 29.10.2021. It is the not the case of the petitioner that repair of the roof of the house of the respondents has been carried out in violation of the orders dated 29.10.2021 and of 06.05.2016. Furthermore, merely the photographs (Annexure P-2) do not establish any violation of the order dated 6.5.2016. In any event, petitioner has raised disputed question of fact, which cannot be agitated before this Court.

7. In view of the above, the present Contempt Petition is hereby **dismissed.**

8. **Rule stands discharged.**

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

23.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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