



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

**COCP-3209-2023 (O&M)  
Date of Decision : 11-09-2025**

**ISHWAR DASS**

**.....Petitioner**

**VERSUS**

**RAKESH KUMAR AND OTHERS**

**.....Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Ms. Rakhi Sharma, Legal aid counsel  
for the petitioner.

Mr. Amit Jaswal, Advocate  
for respondents No.1 and 2.

Mr. Amandeep S. Talwar, Advocate with  
Mr. Adhiraj Bhandari, Advocate  
Advocate for the respondent No.3.

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**HARPREET KAUR JEEWAN, J. (Oral)**

1.                      The instant petition has been filed for initiation of contempt proceedings against the respondents for willfully disobeying the interim order dated 10.08.2023 (Annexure P-2) passed in CM No.8822-C in RSA No.255 of 2023 wherein, notice of the application was ordered to be issued to non-applicant /respondents and in the meantime, the proceedings before the Executing Court are to be stayed.

2.                      It is alleged by the learned counsel for the petitioner that despite the said order having been passed by this Court, the bailiff of the decree handed over the possession to the respondents in wilful disobedience of the order dated 10.08.2023 (Annexure P-2).

3. I have considered the aforesaid submissions and perused the paperbook.

4. The Regular Second Appeal No.255 of 2023 is still pending, which in fact is not disputed by any of the parties.

5. The matter requires recording of the evidence to conclude as to whether the order dated 10.08.2023 (Annexure P-1) has been violated.

6. In view of the allegations, the petitioner has a remedy to approach the Civil Court under Order 39 Rule 2, 2A of CPC rather than approaching this Court.

7. In view of the above facts and circumstances and the decision by the larger Bench dated 14.10.2024 in CACP-20-2016, titled as **Rajbir and others Vs. Raj Singh (since deceased) through LRs**, present petition is disposed of with liberty to the petitioner to avail appropriate alternate remedy, as per law.

5. Rule stands discharged.

6. Pending miscellaneous applications, if any, shall stand disposed of.

11-09-2025  
Sapna Goyal

(HARPREET KAUR JEEWAN)  
JUDGE

NOTE: Whether speaking: YES  
Whether reportable: NO