

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025:PHHC:131874



COCP-4762-2025

Date of decision: 23.09.2025

NEERU JAIN &amp; ORS.

..Petitioners

Versus

PALM SPRING CONDOMINIUM ASSOCIATION &amp; ORS.

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Arjun Sheoran, Advocate  
Mr. Tejasvi Sheokand, Advocate  
Mr. Rohan Gupta, Advocate  
Ms. Pranhita, Advocate  
for the petitioners.

**SUDEEPTI SHARMA, J. (Oral)**

1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 31.05.2023 passed by learned Civil Judge (Junior Division) Gurugram in Civil Suit No.1172 of 2023, which is reproduced as under:-

*“Arguments on early hearing application heard. Application allowed. After that plaintiff counsel argued that defendants are creating nuisance by organising various commercial activities in the lawn adjacent to both the villas of plaintiff.*

*In reply to this the counsel for defendants stated that lawn is a common property and they have every right to use it. At this point, plaintiff stated that lawn can be accessed through an alternative path present, adjacent to both the villas, on the other hand, defendants stated that*



*there is no other alternative path to approach the lawn except the 6-feet path going through both the villas.*

*After hearing this the Court is of considered opinion that appointment of LC would bring the existing state of affairs qua the passages approaching the lawn adjacent to both the villas of plaintiff. Both the counsels agreed to it. As the present matter is not related to any revenue measurement hence Court is appointing Advocate Sh. Parvesh Kaushik as Local Commission. His fee is assessed as Rs. 5,000/- to be borne by both the parties equally to be paid on the spot. Now to come upon 26.07.2023 for LC report.*

*Meanwhile defendants are restrained from creating nuisance or using the passage till further orders except the maintenance work/electricity etc. (if required).”*

2. A perusal of order dated 31.05.2023 passed by learned Civil Judge (Junior Division) Gurugram in Civil Suit No.1172 of 2023 shows that the petitioners have a remedy before the same Court to move an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908.

3. In view of the above, the present contempt petition is dismissed with liberty to the petitioners to move an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, before the learned Civil Judge (Junior Division) Gurugram.

**September 23<sup>rd</sup>, 2025**

*Ayub*

**(SUDEEPTI SHARMA)  
JUDGE**

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