

(2011) 05 P&H CK 0143
In the Punjab And Haryana At Chandigarh
Case No : CR No. 7096 of 2010 (O and M)

Nirmal Singh and Others

APPELLANT

Vs

Sh. Anurag Verma, IAS and Others

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 2A
Constitution of India, 1950 — Article 227
Contempt of Courts Act, 1971 — Section 12

Citation : (2011) 05 P&H CK 0143

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Jaswant Singh, J.—Plaintiffs/Petitioners by filing this revision petition under Article 227 of the Constitution have assailed the order dated 16.9.2005 passed by learned Additional Civil Judge (Senior Division) Samrala whereby their application under Order 39 Rule 2A CPC read with Section 12 of the Contempt of Courts Act for violation of the injunction order dated 3.9.1997 has been dismissed; further the order dated 1.9.2010 passed by the learned Additional District Judge, Ludhiana whereby the appeal against the aforesaid order has also been dismissed.

2. Learned Counsel for the Plaintiffs has argued that Respondents inspite of the temporary injunction order dated 3.9.1997 restraining the Respondents/Defendants from illegally and wrongfully interfering in the peaceful physical possession of the Plaintiffs over the suit land measuring 24 kanals 16 marlas in their suit for declaration and permanent injunction, have illegally dispossessed the Petitioners in January 2004. He submits that both the Courts below have not kept in mind the true import of the interim order dated 3.9.1997 while recording their findings to the contrary.

3. After hearing the learned Counsel for the Petitioners I find no ground to

interfere with the findings recorded in the impugned orders. It is apparently clear from the temporary injunction order dated 3.9.1997(P1) that the Court had enjoined the Defendants from interfering in the peaceful possession upto 17.9.1997 subject to the service of the Defendants. Thereafter, it is not in dispute that the said order was extended till 7.10.1998 only and beyond that date there is no order extending the said order. The Respondents herein have dispossessed the Petitioners on the basis of an order dated 15.1.2004 passed by Sub Divisional Magistrate, Samrala while exercising the powers of Collector Agrarian in the proceedings pending before him for correction of revenue entries under the Punjab Land Revenue Act, 1887. It is not in dispute that mutation in favour of the Punjab Government had been entered after following the due procedure which led to the passing of order dated 15.1.2004. Pursuant thereto, warrants of possession were passed and executed. Thus, by any stretch of imagination or reasoning it cannot be said that the injunction orders have been violated.

4. In view of the above, finding no ground to interfere with the impugned orders, the present revision petition stands dismissed.