
(2014) 04 P&H CK 0204
In the Punjab And Haryana At Chandigarh

Randhir Singh

APPELLANT

Vs

Satbir and Others

RESPONDENT

Date of Decision : 02-04-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2, Order 39 Rule 2-A
Constitution of India, 1950 — Article 227

Citation : (2014) 04 P&H CK 0204

Hon'ble Judges : Jaswant Singh, J

Bench : Single Bench

Advocate : P.R. Yadav, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Jaswant Singh, J.—Contemner no. 2-Randhir Singh, who was a Power of Attorney holder of Ram Singh owner of the suit land in a suit for specific performance, is in revision under Article 227 of the Constitution praying for setting aside of order dated 3.3.2012 (P-1) passed by the Trial Court ordering civil imprisonment for one month in proceedings under Order 39 Rule 2-A CPC; further challenge is to the appellate order dated 28.2.2014 (P-2) passed by the learned Additional District Judge, Gurgaon affirming the order (P-1). Learned counsel has only tendered his unqualified apology and plea for mercy.

2. Having heard learned counsel for the petitioner, this Court is not inclined to exercise any discretion in favour of the petitioner/contemner.

3. It is not in dispute that in the pending suit for specific performance, an application under Order 39 Rules 1 and 2 CPC had been made seeking to restrain vendor Ram Singh from alienating the suit land. It is also not in dispute that the present contemnor-Randhir Singh having a valid General Power of Attorney of said Ram Singh appeared before the Court alongwith his counsel and made a statement on oath on 27.3.2004 that the suit property would not be alienated till the decision of the suit resulting into disposing of the application in the light of

the statement made. It is further not in dispute that present contemner/petitioner sold the said suit property vide a registered sale deed dated 1.12.2005 to one Smt. Roshni Devi. The learned Trial Court in an application under Order 39 Rule 2-A CPC preferred by the plaintiffs Satbir, Naresh and Mahabir sons of Ram Singh, framed a specific issue and on evaluation of the evidence adduced, arrived at a finding that the petitioner had willfully violated the order dated 7.4.2012 and thus ordered civil imprisonment of the petitioner alongwith owner of the land Ram Singh for a period of one month. The Appellate Court has also affirmed the said finding and sentence.

4. It is to be acknowledged that this kind of blatant violation of the Court orders is not to be appreciated but dealt with a very strong hand. Accordingly, finding no ground to invoke the revisional jurisdiction of this Court the present revision petition is dismissed. The petitioner is directed to surrender before the learned Trial Court within two weeks from today to undergo the sentence.