

**In the Court of Chunauti Sagroli, Civil Judge, Kullu,
District Kullu, H.P.**

CIS CNR number : HPKU03-001004-2016.
CIS CASE TYPE : Civil Suit.
CASE number : 267-VI/16-46-VI/2019
(Registration number) : 391/2016.
CIS CASE YEAR : 2016.
Date of Institution : 27.09.2016.
Date of Decision : 16.07.2026.

In the matter of:

Sh. Geghi Ram Applicant/plaintiff since deceased through LRs.

- i) Sh. Ses Ram S/o late Sh. Geghi Ram.
- ii) Sh. Puran Chand S/o Sh. Ses Ram.
- iii) Sh. Rakesh Kumar S/o Sh. Ses Ram.

All residents of Village Dharmot, P.O. Bekhali, Tehsil and District Kullu, H.P.

.....Applicants.

Versus.

Chunni Lal, son of Sh. Jogi Ram, R/o Village Dharmot, P.O. Bekhali, Tehsil and District Kullu, H.P.

....Respondent.

APPLICATION UNDER ORDER 39 RULE 2A OF C.P.C.
READ WITH SECTION 151 OF C.P.C.

For applicants : Sh. Subhash Thakur, Ld. Advocate.
For respondent : Sh. T.C Kaushik, Ld. Advocate.

J U D G M E N T:

This order shall dispose of the contempt petition under Order 39 Rule 2A of CPC read with Section 151 of CPC.

2. Briefly stated contents of the petition are that the applicant/plaintiff had filed suit before the Court for grant of permanent prohibitory injunction and application under Order 39 Rule 1 and 2 CPC was allowed by order dated 8-7-2016, whereby, the parties to the suit were directed to maintain

status quo qua possession over the suit land. Further, respondent/defendant was served by the orders of the Court, but in this regard to Court order, the respondent/defendant started encroaching upon the share of the petitioner on 11-9-2016 by damaging the maize crop of the applicant/plaintiff by cutting the same and now, the applicant/plaintiff is sowing and ploughing for garlic crop over the suit land, but the respondent has threatened to encroach on the same. Photographs are also placed on record. The respondent is thus, willfully disobeying the orders of the Court and encroaching on the suit land with a *mala-fide* intention. The respondent was requested time and again to not encroach on the suit land or to destroy the maize crop of the petitioner, but the request of the applicant had fallen a deaf ears and the status quo order of the Court is said to be violated. It is thus, prayed that the present petition may be allowed against the respondent/defendant and he may be punished in accordance with law.

3. In the reply filed, preliminary objections as to maintainability have been raised and it is contended that the present petition has been filed with a *malafide* intention. On merits, it is denied that the respondent ever encroached upon the share of the petitioner, rather, he is said to be in possession of 2 bigha 9 biswa and 16 biswansi of land comprised in Khasra No.66, 45, 42, 235, 316, 442 and 447, whereas, the share of the petitioner is only 1 bigha 4 biswa of land, and he is in possession of 1 bigha 5 biswa 16 biswansi of land on the spot. Further, the petitioner is said to be in possession in excess of the suit land and he has also sold 10 biswa of land on Khasra number 444. It is reiterated that the respondent never encroached upon any portion of land of the petitioner and he never entered in the share of the petitioner, nor destroyed any maize crop of the petitioner. Respondent

had also allegedly not committed any offense. Thus, the petition is prayed to be dismissed.

4. From the pleading of the parties following issues were framed on dated **09.07.2019**:

1. Whether the respondent violated the orders of the Court dated 08.07.2016? OPP
2. Relief.

5. I have heard the Ld. Counsels for the parties and carefully gone through the case file.

6. For the reasons to be recorded hereinafter, while discussing the issues, my findings on the issues are as under:

Issue No. 1: No.

Relief	:The application is dismissed as per operative part of the judgment.
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7. In order to prove their respective contentions the plaintiff as well as defendants had led oral as well as documentary evidence. Discussed in brief the evidence of the parties are as under:

APPRECIATION OF EVIDENCE AND REASONS FOR FINDINGS

ISSUE NO.1

8. Petitioner has led four witnesses in proof of the case, being PW-1, Ses Ram, who has proved on record certain documents pertaining to the petition. PW-2 is Tulsi Devi, who has stated about the petition, PW-3 Brij Lal has proved the *rajinama* Ext.PW3/A on record had admitted the signatures of Tulsi Devi and Chuni Lal made by them voluntarily after understanding the contents of the *rajinama*, entered in WPS Kullu. PW-4 (inadvertently mentioned as PW-3) is HHC Room Singh No. 340, WPS Kullu, Tehsil and

District Kullu, stating about the record, Ext.PW3/A being complaint, Ext.PW3/B being *rajinama* Ext.PW3/C being the statement of Tulsi Devi, as per their record. Also, respondent has himself entered in the witness box, but nothing material could be solicited from his cross-examination.

9. The most striking point in the entire matter is that petition has been filed by the petitioner stating that he is joint owner and possession with the respondent on the spot and parties were directed to maintain status quo by order dated 8-7-2016, but respondent is said to have destroyed maize crop on the spot and also was allegedly giving threats to threats to prevent sowing or ploughing by the applicant. However, it has been submitted by the applicants/petitioners that an agreement/*razinama* had been entered between the parties and even PW-3 has stepped in the witness box regarding the same. One application had been given by Tulsi Devi in the police, dated 12-1-2017, Mark B on record, PS Kullu, and she has admitted her signatures in Exhibit P2 on the same which application is Ext.PW3/A as per record. Further, *razinama* is also Ext.PW3/B, according to which the parties had agreed to harvest their respective share of the crop and further, to only continue with cultivation after shares are properly ascertained of the parties and in this regard, settlement had been effected between the parties. Statement of petitioner on record is dated 3-7-2017, which is Ext.PW3/C, according to which she has admitted that the parties would not cause any interference on the shares of each other until the matter is decided on merits. Thus, it can be said that the cause of action giving rise to the present petition has not been properly proved and it cannot be said that the respondent has violated the status quo order dated 8-7-2016.

Relief.

10. In view of the observations made above, the petition

filed by the applicants is **dismissed**. No order as to costs. The file, after its due completion, be consigned to the record room.

Announced in the open Court on this **16th Day of July, 2026** in the presence of Ld. Counsels for the parties.

(SS)

(Chunauti Sagroli)
Civil Judge, Kullu, H.P.

FORM-A
LIST OF WITNESSES:

Sr. No	No.of PWs/DWs	Name of witnesses	Whether witnesses of Plaintiff or defendants.
1.	PW-1	Sh. Ses Ram	Plaintiff's witness.
2.	PW-2	Smt. Tulsi Devi	-do-
3.	PW-3	Brij Lal	-do-
3.	PW-3	HHC Room Singh No.340	-do-
4.	RW-1	Chuni Lal	Respondent.

FORM-B
LIST OF EXHIBITS

Sr. No.	Exhibit	Description
1.	Ext.PW1/A	Affidavit of Sh. Ses Ram.
2.	Ext.PW1/B & Ext.PW1/C	Copy of orders.
3.	Ext.PW1/D1 to Ext.PW1/D5	Photographs.
4.	Ext.P1	Signature of Ses Ram.
5.	Ext.PW2/A	Affidavit of Tulsi.
6.	Ext.P2 to Ext.P4	Signatures of Tulsi.
7.	Ext.PW3/A (Ext.PW3/B)	Agreement.
8.	Ext.PW3/A	Complaint.
9.	Ext.PW3/C	Statement of Tulsi.

(Chunauti Sagroli)
Civil Judge, Kullu, H.P.