

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

CR No.1026 of 2015
Date of Decision:18.02.2015

Ajay Jindal

. . . . Petitioner

Vs.

Reema Jindal and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Namit Gautam, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

This petition has been filed by defendant No.1 against the orders passed by both the Courts below on an application filed by the plaintiffs under Order 39 Rule 1 & 2 of the Code of Civil Procedure, 1908 [for short 'the CPC'] restraining the defendants from alienating the suit property during the pendency of the suit.

In brief, the parties to the dispute are closely related to each other as the plaintiffs are the wife and children of late Sanjay Jindal, who happened to be the brother of the petitioner-Ajay Jindal and the defendants No.2 and 3 are the sisters of Ajay Jindal. The plaintiffs have prayed for a decree for declaration that they are joint owners in possession to the extent of 55/100 share in the property bearing No.23-C situated at Focal Point, Dhandari Kalan, Ludhiana, measuring 5958.33 sq. yards i.e. Jindal Engineering Works, being first class heirs of Sanjay Jindal and Om Parkash Jindal; the Conveyance Deed dated 1.7.2011 bearing Vasika No.4229, registered in the office of Sub Registrar, Ludhiana executed by the GLADA i.e. defendant No.4 in favour of defendant

No.1, in respect of the rights of the plaintiffs is illegal, void and nonest and also prayed for permanent injunction to restrain the defendants from further alienating the suit property and also for rendition of accounts of all moveable assets of the firm M/s Jindal Engineering Works. The plaintiffs also filed an application for temporary injunction staying the alienation of the suit property which was allowed by the trial Court on 21.4.2014 directing the defendants not to alienate the suit property without prior permission of the Court. The appeal, against the order of the trial Court, by defendant No.1 alone, has also been dismissed on 16.12.2014 upholding the order of the trial Court.

Defendant No.1 has thus come to this Court by way of present revision petition to assail the validity of the orders passed by both the Courts below.

The entire basis of the defence of the petitioner is that the property belongs to his father Om Parkash Jindal, who was the sole proprietor of the property in dispute and executed a Will in his favour dated 23.11.2007 on the basis of which defendant No.4 (Estate Office) has accepted him to be the owner of the property in dispute.

Learned counsel for the petitioner has also raised the same issue before the Courts below but the Courts below have found that initially the suit property was owned by the firm namely, Jindal Electric Company in which Om Parkash Jindal was the partner with his wife Kamla Devi having 60% and 40% share each. The case of the plaintiffs is that Om Parkash Jindal had challenged the dissolution deed dated 31.3.1991 though the stamp papers were purchased on 29.4.1991, meaning thereby, the stamp papers

were purchased after the execution of dissolution deed which is a matter of suspicion and can be resolved only when the parties would lead their evidence. Moreover, the allotment letter dated 14.3.1969 in favour of Om Parkash Jindal revealed that it was allotted to him being the partner of firm M/s Jindal Engineering Works and was not allotted to him as an individual, therefore, he had no right to alienate the suit property by way of his Will in favour of the petitioner and insofar as his proprietorship is concerned, it came into being only after the partnership with his wife Kamla Devi, was dissolved but the said dissolution is also under dispute.

In these facts and circumstances, the trial Court has rightly passed the order that the respondents would not alienate the suit property without prior permission of the Court.

In the given facts and circumstances, I am of the considered opinion that the impugned order is an innocuous order which does not require any interference. Hence, the present petition is hereby dismissed.

18.02.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**