

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

Civil Revision No.1577 of 2015 (O&M)
Date of decision: 04.03.2015

Karamjit Singh

..... Petitioner

Versus

Smt. Rajinder Kaur

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Surjit Singh Salar, Advocate for the petitioner.

RAJESH BINDAL, J

The defendant is before this Court impugning the order dated 18.11.2014 passed by the District Judge, Rupnagar, whereby while setting aside the order passed by the learned trial court, the petitioner/defendant was directed to maintain status quo regarding alienation or creating any type of charge over the property in dispute.

Learned counsel for the petitioner submitted that the respondent/plaintiff filed a suit for declaration to the effect that she is owner and in joint possession of land with the petitioner. The trial court vide order dated 5.2.2014 dismissed the application for interim injunction. However, in appeal filed by the respondent/plaintiff, learned lower appellate court granted interim stay to the respondent/plaintiff. The submission is that when the suit itself was not maintainable, the respondent/plaintiff did not have prima facie case, hence, no order for interim injunction could be passed in her favour. He further submitted that no restriction could be placed on the right of the petitioner for dealing with the property owned by him. In case, he sells the same, principle of lis pendens will apply. He can even mention regarding the pendency of the present litigation in the sale deed.

After hearing learned counsel for the petitioner, I do not find any reason to interfere with the impugned order dated 18.11.2014 passed by the

learned District Judge, Rupnagar.

As far as merit of the controversy is concerned, namely, maintainability of the suit, the learned trial court is still to form opinion thereon after the parties lead their evidence. The only interim relief granted by the learned lower appellate court to the respondent/plaintiff is that the petitioner/defendant will not alienate or create any charge over the property in dispute. It was not disputed by learned counsel for the petitioner that for the last about 11 years, he has not sold the property and further that he is in possession thereof.

Interim injunction granted by the learned lower appellate court, in fact will result in avoidance of multiplicity of litigation. In case the petitioner either sells the property or creates any charge thereon, it will not be in the interest of either of the parties. As the petitioner is already in possession of the property in dispute, the order as such cannot be said to be prejudicial to his interest.

The petition is dismissed.

(RAJESH BINDAL)
JUDGE

04.03.2015

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