

CR-1804-2015 (O&M)

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

**CR-1804-2015 (O&M).
Decided on: March 13, 2015.**

Preetjyot Kaur

..... Petitioner(s)

Versus

Gurbachan Singh

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Namit Gautam, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

Petitioner is plaintiff before the trial Court. She has filed a suit against her father seeking relief of permanent injunction to restrain the defendant respondent from interfering in peaceful possession of the plaintiff forcibly from the portion mentioned in the heading of the plaint and shown red in the site plan attached. She also sought an injunction against her father restraining him to alienate the property. The trial Court had ordered the status quo regarding the possession thus protecting the possession of the petitioner in the area of the suit land in which she has been staying.

The trial Court had ordered the parties to maintain status quo regarding the property. The lower appellate Court has affirmed the order of status quo regarding possession. However, permitted the defendant-respondent to alienate the property he being owner of the same.

Counsel for the petitioner has vehemently

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contended that the petitioner being a daughter and widow staying in the property of her father has got a right to protect her possession.

I have considered the contentions of the learned counsel for the petitioner to determine the validity of the order restraining the father-respondent from alienating the property in dispute. The respondent-father appears to have a better possessory title than the plaintiff-petitioner.

The property is owned by the respondent. The respondent-father can alienate the same. Right of the petitioner to remain in portion of the property has already been safeguarded by the trial Court. Even if the property is alienated by the defendant respondent, the plaintiff-petitioner would be entitled to protect her possession till she is dispossessed by due process of law. But so far as the transfer of title by true owner defendant-respondent is concerned, the lower appellate Court appears to have rightly declined the interim injunction to the plaintiff.

No ground is made out for interference.

The petition is dismissed.

However, it is observed that since the dispute is between father and daughter pertaining to the property, it is observed that it will be the duty of the trial Court to make efforts for settlement under Order XXXII A Rule 3 CPC.

March 13, 2015.
rka

(M.M.S. BEDI)
JUDGE