

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.1850 of 2015

Date of Decision.17.03.2015

Savinder Singh

.....Petitioner

Versus

Sohan Singh and others

.....Respondents

Present: Mr. Divanshu Jain, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. The restraint on an alienation was sought by the petitioner as a person who held a share in the property as a joint family property. The petitioner is admittedly not in possession of property and the lower Appellate Court while declining the relief of injunction has observed that he was only claiming the share in the property as joint family property and if there is a sale or attempted sale by a person who is in possession and who holds a document by instrument inter vivos, his right cannot be restrained now by means of Court's order. The Court has observed that there will be no likelihood of prejudice for the plaintiff. If only the plaintiff is able to establish that the property is joint family property and that he has a share, his right will be protected when a decree is passed and the pendency of suit will itself take care of his interest by the doctrine of *lis pendens*. I find the observations made in para 13 of the Appellate Court judgment addresses every

apprehension that the petitioner could have against the alienation.

2. I will find no reason for intervention in revision. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 17, 2015
Pankaj*