

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

CR 2057 of 2015

Date of decision:- 23.3.2015

Kuldeep Singh and anr

Petitioners

vs.

Nasib Kaur

Respondent

Present: Mr. Aman Pal, Advocate

M.M.S.BEDI,J.

The petitioners are aggrieved by the orders passed by the courts below dismissing the application under Order 39 Rules 1 and 2 read with Section 151 CPC seeking an interim injunction against the defendant- respondent from alienating the property or from dispossessing the plaintiff- petitioners from the land, mentioned in the heading of the plaint. It is pertinent to observe that the petitioners are sons of Baldev Singh deceased, whereas the defendant- respondent Nasib Kaur is the widow of Baldev Singh. The claim of the plaintiff- petitioners is that on account of matrimonial discord between the deceased and the defendant- respondent Nasib Kaur, deceased Baldev Singh had executed a Will in favour of the plaintiff- petitioners bequeathing the entire property in their names. The dispute appears to be amongst family members. A widow prima facie cannot be deemed to be not in joint possession of the property along with her husband.

I have gone through the orders passed by the courts below but I do not find any force in the contentioin that the defendant- respondent (their mother) had left the matrimonial home voluntarily on account of the defendant having filed an application under Section 125 Cr.P.C against her

husband. She would be thus entitled to claim her right in the property. The mutation of inheritance has already been entered in the name of the legal heirs of deceased Baldev Singh. The plaintiff- petitioners are claiming interim injunction against a co-owner, in joint possession of the property. Sufficient reasons have been mentioned by the courts below while dismissing the application for interim injunction. Even otherwise, it is not expected that the mother of the plaintiff- petitioner will be able to dispossess the plaintiff- petitioners, during pendency of the suit.

Dismissed.

March 23 ,2015
TSM

(M.M.S.BEDI)
JUDGE