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

CR No.4940 of 2015

Date of decision: August 06, 2015

Smt. Prem Wati and others

.....Petitioners

Versus

Nanak Chand and others

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sudesh Sethi, Advocate for
Mr. Arvind Kashyap, Advocate
for the petitioners.

SABINA, J

Petitioners have filed this petition challenging the orders dated 28.10.2013 and 23.03.2015, whereby, application moved by the petitioners for interim injunction under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

I have heard learned counsel for the petitioners and have gone through the record available on the file carefully.

Petitioners have filed suit for declaration with consequential relief of permanent injunction with regard to land measuring 450 sq. yards. The case of the petitioners is that the suit property was owned and possessed by Amar Singh. During his lifetime, Amar Singh had raised construction over the suit property. Amar Singh died on 05.07.2008 and the petitioners were the legal heirs of deceased Amar Singh. Mutation qua inheritance of the property owned by Amar Singh was sanctioned in favour of the petitioners. Defendant No.1 had no right, title or interest in the suit property. Along with the suit, an application for

temporary injunction was filed by the petitioners. Trial Court dismissed the said application and the order passed by the trial Court was upheld by the Appellate Court. Hence, the present petition.

It has been noticed by the Courts below that so far as plot No.4 measuring 150 sq. yards was concerned, sale-deed had been got registered in favour of defendant No.1 by Amar Singh. So far the remaining suit land measuring 300 sq. yards was concerned, Amar Singh had executed a General Power of Attorney in favour of defendant No.1 on 07.11.2000. Amar Singh had also executed a Will in favour of defendant No.1 on the same date. Learned Appellate Court has further noticed that at the time of execution of the documents in favour of defendant No.1, Amar Singh had received ₹5,60,000/- and in this regard, a receipt was issued by Amar Singh. Thus, prima-facie, it is evident that Amar Singh had sold the entire suit property to the defendant No.1. Hence, petitioners had no prima-facie case or balance of convenience in their favour. In case, interim injunction is granted in favour of the petitioners, defendant No.1 will suffer an irreparable loss. Thus, the Courts below had rightly held that the petitioners were not entitled to the relief of temporary injunction.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

August 06, 2015

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