

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

**CR No.5597 of 2015
Date of decision: 31.08.2015**

Satinder Pal Singh and others

... Petitioners

Vs.

Ajaib Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. G.S.Kaura, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Challenge in the present petition is to the impugned orders, whereby, an application filed under Order 39 Rules 1 and 2 read with Section 151 CPC, in a suit filed for declaration challenging the mutation effected in the year 1974, on the basis of the gift deed and mutation, whereas, plaintiffs were co-owners in joint possession, in equal shares, in respect of the land comprising of various, i.e, suit property on the basis of the gift deed dated 29.06.1945 and challenge of mutation No.1268 dated 28.02.1974 and Will dated 13.06.1974, has been dismissed.

Along with suit, petitioners filed an application under Order 39 Rules 1 and 2 CPC, seeking restraint order from alienating

the suit property, during the pendency of the suit. The trial Court dismissed the application and appeal filed against the same also met with the same fate.

Mr. G.S.Kaura, learned counsel appearing on behalf of the petitioners submits that the trial Court ought to have granted the relief of entertaining the application, as prima facie case is in their favour, much less, the balance of convenience and in case, the respondents-defendants succeed, in alienating the property irreparable loss would be caused.

I have heard learned counsel for the petitioners and appraised the paper book.

Both the Courts below have dismissed the application after noticing the evidence enclosed along with plaint and written statement and found that the injunction sought was hit by *doctrine of akin to delay and latches*. Even otherwise, any alienation which is made during the pendency of the suit would be hit by provisions of Section 52 of the Transfer of Property Act and therefore, the Courts below have rightly dismissed the injunction application and appeal.

There is no illegality and perversity in the findings rendered by both the Courts below and do not warrant interference under Section 115 of the Code of Civil Procedure.

There is no merit in the revision petition.

Accordingly, the same is dismissed.

It is made clear that nothing observed shall be construed
as an expression of opinion on the merits of the case.

(AMIT RAWAL)
JUDGE

August 31, 2015
savita