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

**CR No.6288 of 2014 (O&M)**

**Date of decision: May 19, 2015**

M/s Navjit Realtors Private Ltd.

.....Petitioner

Versus

Narender Kumar and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. Anil Kshetarpal, Senior Advocate with  
Mr. Aman Pal, Advocate  
for the petitioner.

None for respondent No.1.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 29.08.2014.

Learned Senior counsel for the petitioner has submitted that the petitioner had purchased the property in question from the owners and thereafter, got a licence for developing a colony. In this regard, sale-deeds were executed in favour of the petitioner on 13.06.2006. Thereafter, respondent No.1-Narender Kumar filed suit for declaration and consequential relief of permanent injunction. The case of the respondent No.1 is that Raghbir Singh was the owner of the property in question and had died on 11.04.2000. Thereafter, petitioner and defendant Nos1 to 6 had inherited the property in question. Respondent No.1 started residing in

Rajasthan and visited his village in March, 2011 and came to know qua the sale of the property in question. Learned counsel has further submitted that so far as respondent No.1 is concerned, he had 1/7<sup>th</sup> share out of 1/4<sup>th</sup> share of Raghbir Singh in the land in question. Thus, the respondent No.1 could be at the most said to be owner of 2 Kanals 10 Marlas of land out of the suit property. Learned counsel has further submitted that petitioner shall keep 2 Kanals 10 Marlas of land vacant during the pendency of the suit to safeguard the interest of respondent No.1. However, so far as the other owners were concerned, they had already executed the sale-deed in favour of the petitioner and there is no dispute qua the share of respondent Nos.2 to 7-defendant Nos.1 to 6.

None has appeared on behalf of respondent No.1 despite service.

Respondent No.1 has filed suit for declaration and permanent injunction. Alongwith the suit, respondent No.1 moved an application under Order 39 Rule 1 and 2 of Code of Civil Procedure, 1908. Trial Court vide order dated 26.03.2013 dismissed the application for temporary injunction filed by respondent No.1. Appellate Court vide impugned order dated 29.08.2014 directed the parties to maintain status quo regarding the existing state of affairs qua suit property till the disposal of the suit. So far as respondent Nos.2 to 7-defendant Nos.1 to 6 are concerned, they pleaded

in their written statement (Annexure P-5) that the suit filed by respondent No.1 was liable to be dismissed. The said respondents admitted the fact that respondent No.1 was son of Raghbir Singh, but it was averred that he had left the house about twenty years ago and his whereabouts were not known. Respondent Nos.2 to 7 admitted the execution of sale-deeds by them in favour of the petitioner. In this factual scenario, it would be just and expedient to modify the impugned order to the extent that the petitioner shall keep 2 Kanals 10 Marlas of land vacant during the pendency of the suit.

Accordingly, impugned order, whereby, parties were directed to maintain status quo regarding existing state of affairs qua the suit property till the disposal of the suit, is set aside and the petitioner is directed to keep 2 Kanals 10 Marlas of land vacant during the pendency of the suit to safeguard the interest of respondent No.1.

Petition stands disposed of, accordingly.

**(SABINA)  
JUDGE**

**May 19, 2015**

*m.singh*