

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

C.R.No.7320 of 2015 (O&M)

Date of Decision: November 02, 2015

Rajinder Singh

...Petitioner

Versus

Amarjit Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.S.S.Rangi, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved against the order dated 7.7.2015 (Annexure P-3), whereby the application seeking permission of the Court to sell the land as per the order dated 3.5.2012 (Annexure P-2) has been dismissed.

Mr.S.S.Rangi, learned counsel appearing on behalf of the petitioner-defendant submits that in the year 2011, the respondent-plaintiffs instituted a suit for declaration that the alleged agreement of partition dated 11.7.2011 was illegal and as well as consequential mutation and also sought injunction restraining the defendants from alienating, transferring, mortgaging or creating third party rights.

The trial Court, vide order dated 3.5.2012, restrained the petitioner-defendant from alienating the property without getting prior permission of the Court. The relevant portion of the order reads thus:-

“I have heard rival contentions of learned counsel for both the parties and have gone through the file very minutely. From the perusal of copies of mutation orders, sale deeds, order of

Divisional Commissioner, Patiala, order passed by PFC-II, Punjab, order passed by A.C.Ist Grade, order passed by SDM East, Ludhiana, agreement, jamabandi, girdwari and copy of power of attorney and keeping in view all the facts and circumstances of the case at this stage there is no sufficient material which shows exclusive possession of either party. Moreover, the ownership and possession is a matter of evidence which is yet to be lead. Balancing the equities between the parties, parties are directed to maintain status quo regarding the existence of property. Hon'ble Punjab and Haryana High Court in case 1999 (2) PLJ 325, has held- Ad interim injunction to restrain defendants from interfering in possession of plaintiffs in a suit for permanent injunction- Question to be decided whether plaintiff is in possession as asserted and the stand taken by defendants in reply of being in possession-Dispute regarding possession, both parties asserting their possession-proper course to be adopted by court-To direct parties to maintain status quo. At this stage, I find that if parties are not restrained from alienating the land, it would cause multiplicity of litigation between the parties. Accordingly, the alienation of properties is restrained during pendency of the suit without getting the prior permission of the court, by disclosing name(s) of the proposed vendee(s) and without giving reference of pendency of this suit in the prospective transactions etc. It is made clear that this order shall not have any effect on the merits of the present case.”

Since the petitioner-defendant was in dire need of money, an application to seek permission of the Court to sell the property was filed. The same was dismissed on the ground that it would entail into multiplicity of litigation. He submits that the case is at the stage of plaintiffs' evidence.

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

Instead of pondering upon the permission and the intricacies, I intend to dispose of the revision petition with a direction to the trial Court to decide the suit as expeditiously as possible, within a period of eight months from the date of receipt of certified copy of this order as the suit, which was filed in the year 2011, is at the stage of plaintiffs evidence.

Ordered accordingly.

November 02, 2015
ramesh

(AMIT RAWAL)
JUDGE