

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

**CR No.7604 of 2015 (O&M)
Date of decision: 16.11.2015**

Veer Pal and another

....Petitioners

Versus

Mehmber and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sanjeev Kumar Panwar, Advocate
for the petitioners.

RITU BAHRI J. (Oral)

The petitioners have come up in revision for setting-aside the order dated 23.10.2015 (Annexure P-12), passed by the Civil Judge (Jr. Division), Hodal, whereby the application moved by defendant No.7, seeking permission for alienating his share over the suit property has been allowed.

Defendant No.7 is an old person and is 80 years of age and during his lifetime, he wanted to solve all the disputes regarding his share in the suit property. He sought permission to execute a gift deed in favour of any of the co-sharer as per his desire. Vide order dated 21.08.2015, the parties to the suit were directed to maintain *status quo*, however the application seeking

permission for alienating the share over the suit property has been allowed in view of the law laid down in “*Milan and another vs Inder and others*”, 2008 (3) PLR 354.

Vide impugned order dated 23.10.2015, the applicant-defendant No.7, has merely granted the permission to execute the gift deed in favour of other co-sharer and thereafter to implead him as a necessary party to the suit.

The impugned order dated 23.10.2015, does not call for any interference by this Court as the applicant-defendant No.7 is not seeking permission to alienate the suit property, he has merely sought permission to make a gift deed in favour of other co-sharer, who will be bound by the partition proceedings.

Dismissed.

(RITU BAHRI)
JUDGE

16.11.2015

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