

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.7389 of 2014
Date of decision: 20.11.2015

Surjit Kaur @ Sito

... Petitioner

Versus

Gurmit Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. PS Dhaliwal, Advocate for the petitioner.

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?

ARUN PALLI J. (Oral)

Vide order being assailed, dated 03.04.2013, rendered by Civil Judge (Sr. Divn.), Barnala, application moved by the petitioner-plaintiff, under Order 39 Rules 1 & 2 of the Code of Civil Procedure, was accepted and defendants were restrained from causing any interference in the possession of the plaintiff or getting the mutation of inheritance bearing No.11751 sanctioned in their favour. However, in an appeal preferred by the defendants, the order granting injunction to the plaintiff was set aside and the appeal was accepted vide order dated 02.07.2014. That is how, the plaintiff is before this court.

This court while issuing notice of motion on 24.12.2014, passed the following order:

“Counsel submits that the petitioner alongwith the respondents are sisters being daughters of Chand Singh. The said respondents, on the basis of the alleged Will dated 27.02.2004, were getting the mutation of inheritance sanctioned in their favour. He submits that a perusal of the Will would show that the Will does not even mention the name of the plaintiff, but it is submitted that the relationship is not denied by the respondents. It is accordingly submitted that in such circumstances the plaintiff was entitled for the injunction that the suit property should not be sold during the pendency of the suit and the respondents should not be entitled to get the mutation of inheritance sanctioned in their favour on the strength of the Will in question. Accordingly, it is submitted that the Lower Appellate Court is not justified in vacating the stay granted.

Notice of motion for 25.05.2015.

In the meantime, parties to the suit shall not alienate the suit property and shall maintain status quo regarding possession.”

Despite service, none of the respondents have chosen to appear though the matter is pending for almost a year. Ex facie, vide order dated 24.12.2014, this court had restrained the parties to alienate the suit property and maintain status quo as regards possession and the said order continues to operate till date.

That being so, even without examining the matter on merits, the petition is disposed of with an observation that parties to the lis shall maintain status quo as regards alienation as also the possession of the suit property during the pendency of the suit.

November 20, 2015
Rajan

(Arun Palli)
Judge