

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

(104)

CR No.7981 of 2014

Decided on: August 03, 2015.

Anand Pal and others

.... Petitioners

Versus

Rekha Devi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. N.S. Shekhawat, Advocate,
for the petitioners.

M.M.S. BEDI, J (ORAL)

An application for interim injunction restraining the defendant No.4, sister of the plaintiffs-petitioners, to alienate the property beyond her share which is to the extent of 1/16 share, she already having sold some property on 26.07.2010, has been dismissed by the Courts below.

Counsel for the petitioners submits that defendant-respondent No.4 now intends to alienate the property beyond her share, as such in order to avoid multiplicity of litigation she should be restrained from alienating any property beyond her share.

I have heard learned counsel for the petitioners and I am of the opinion that the claim of the plaintiffs-petitioners that defendant-respondent No.4 has inherited only 1/16 share of the suit land, will be determined on the basis of the pleadings and evidence. It goes without saying that any property sold by a person beyond his right, title and interest does not affect the rights of the other co-owners.

Without expression of any opinion on merits of the case, this petition is disposed of with the observation that alienation of any property by defendant-respondent No.4 will certainly be governed by the principles of lis pendens and any property sold beyond her share will not affect the rights of the petitioners-plaintiffs.

(M.M.S. BEDI)
JUDGE

August 03, 2015
harsha