

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

Civil Revision No.871 of 2015

Date of Decision: December 10, 2015

Jaswant Singh

...Petitioner

Versus

Kashmir 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.Parminder Singh, Advocate,
for the petitioner.

Mr.Kanwalpreet Singh Virk, Advocate,
for respondent Nos.1 & 8.

AMIT RAWAL, J. (Oral)

Petitioner-defendant is aggrieved against the order dated 15.1.2015 passed by the Lower Appellate Court, whereby he has been injuncted not to alienate the suit property during the pendency of the suit.

Mr.Parminder Singh, learned counsel appearing on behalf of the petitioner-defendant submits that the trial Court dismissed the application by giving valid and cogent reasons. However, the Lower Appellate Court has committed illegality and perversity in not appreciating the documents filed in support of the respective case, particularly the written statement, wherein it has been stated that the father had already partitioned the property amongst his children and the parties are within their respective shares.

Mr.Kanwalpreet Singh Virk, learned counsel appearing on behalf of respondent Nos.1 and 8 submits that there is no illegality and

perversity in the impugned order passed by the Lower Appellate Court, whereby the petitioner-defendant has been enjoined not to alienate the property during the pendency of the suit.

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

The suit is for declaration that the plaintiff, defendant No.1 and proforma defendants are owners to the extent of 1/6th share out of the property left by Piara Singh and as well as the challenge to the Will dated 15.4.1993, allegedly executed by Piara Singh. Since the respondent-plaintiff is claiming a right in the property on the basis of certain evidence, which is yet to be led and proved on record, I am of the view that the interim direction given by the Lower Appellate Court restraining him from selling the suit land should be maintained, failing which it will lead to multiplicity of litigation, but equally so, this Court cannot be oblivious of the fact that under the garb of the injunction, the plaintiff should not delay the adjudication of the suit.

I do not intend to differ with the findings rendered by the Lower Appellate Court. However, it is directed that the respondent-plaintiff shall not cause any undue delay in the completion of his evidence and same principle would also apply to the petitioner-defendant also.

Accordingly, the revision petition is disposed of with a direction to the trial Court to grant 4-4 opportunities to the parties to the lis to complete their evidence and thereafter shall decide the suit within a period of one year.

December 10, 2015
ramesh

(AMIT RAWAL)
JUDGE