

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

(122)

**SAO No.6 of 2015 (O&M)
Decided on: May 4, 2015.**

Randhawa Singh and others

.... Appellants

Versus

Lal Singh and another

..... Respondents

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

Present: Mr. Parminder Singh, Advocate,
for the appellants.

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

The plaintiffs-appellants has filed a suit against their father to restrain him from alienating the alleged co-parcenary property by mortgaging the same with the bank.

As per the judgment of the Supreme Court in **Sunil Kumar and another Vs. Ram Parkash and others AIR 1988 Supreme Court 576** and of this Court in **Jujhar Singh Vs. Giani Talok Singh 1986 PLJ 346**, such suit is not maintainable.

Following the said law, the Courts below have allowed the application under Order 7 Rule 11 CPC filed by the defendant-respondent No.1. The suit of the plaintiffs-appellants falls under the ambit of provisions of Order 7 Rule 11(d) CPC as the statement in the plaint indicates that the suit is barred.

No ground is made out to interfere in the order passed by the Courts below.

This appeal is dismissed. It is however, observed that dismissal of the suit will not prejudice the rights of the appellants to challenge the acts of alienation after the action having been completed.

(M.M.S. BEDI)
JUDGE

May 4, 2015
harsha