

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.1587 of 2015

Date of Decision:19.9.2016

Rahul and others

---Petitioners

versus

Smt. Basanti Devi and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Mukesh Yadav, Advocate
for the petitioners**

REKHA MITTAL, J.

The present petition lays challenge to orders dated 12.11.2013 (Annexure P1) passed by the Civil Judge (Junior Division), Mohindergarh dismissing application for grant of interim injunction and dated 13.8.2014 (Annexure P-2) passed by the Additional District Nudge, Narnaul whereby appeal preferred by the petitioners was dismissed, thus, affirming the order passed by the trial court.

Counsel for the petitioners has submitted that at the time of sanction of mutation in regard to inheritance to the estate left behind by Sh. Mussadi, the revenue officer committed a mistake resulting in decreasing share of Mahipal, the predecessor-in-interest of the petitioners. It is further submitted that in case the respondents/defendants are successful in alienating the land more than their share, it would cause irreparable loss or injury to the petitioners, entitling them to get an interim injunction.

I have heard counsel for the petitioners, perused the paper book particularly the orders passed by the Courts below.

Be that as it may, it is an undisputed position in law that if a person alienates property not owned by him or more than his share, he cannot bestow a better title on his vendee than what he had. This apart, any alienation of the suit land during pendency of the proceedings would be hit by the principle of lis pendence. In this view of the matter, I do not find any reason to interfere in the orders passed by the Courts below when otherwise the scope of interference is quite limited and is warranted if the orders are found to be perverse.

For the foregoing reasons, the petition fails and is accordingly

dismissed. However, nothing stated in this order shall be construed as an expression of opinion on merits of the case.

(Rekha Mittal)
Judge

19.9.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No