

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

CR No.1574 of 2014 (O&M)
Date of decision : 01.12.2016

Vinod Kumar

...Petitioner

Versus

Sham Lal and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. A.P. Singh, Advocate for
Mr. Gurnam Singh, Advocate for the petitioner.

Mr. H.S. Brar, Advocate for respondent Nos.1, 2 and 7.

AMIT RAWAL, J. (Oral)

CM No.4043-CII of 2014

For the reasons stated in the application, which is duly supported by an affidavit, delay of 111 days in filing the petition is condoned.

Application stands allowed.

Main Case

The petitioner-plaintiff is aggrieved of the impugned orders, whereby ad interim application under Order 39 Rules 1 and 2 of CPC in a suit seeking declaration that Will dated 01.07.1997 executed by Nikka Ram regarding all his property in favour of plaintiff is valid. The plaintiff is sole owner of the property mentioned in part A of the head note of the plaint and

for declaring the Will dated 21.12.1998 registered on 04.01.1999 allegedly executed by Nikka Ram in favour of respondents-defendants as null and void as a result of fraud and with consequential relief of permanent injunction restraining the defendants their attorneys, agent, servants, party men or persons from alienating, transferring, mortgaging and disposing off the property, has been dismissed by both the Courts below.

Both the Courts below have declined the relief. Suit has been instituted on 21.05.2012. The order is also of the year 2012. Even otherwise, no prejudice would be caused to the plaintiff in case there is alienation, as alienation during the pendency of the suit would be hit by Section 52 of the Transfer of Property Act.

I deem it appropriate to direct the trial Court to expedite the disposal of the suit with a liberty to the petitioner to lead evidence as expeditiously as possible for adjudication of lis.

With the aforementioned observations, impugned orders are upheld.

Revision petition stands disposed of.

01.12.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No