

CR-1766-2014

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

CR-1766-2014

Date of Decision: 24.02.2016

Mahabir

... Petitioner(s)

Versus

Ramheti and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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. Mani Ram Verma, Advocate,
for the petitioner.

Mr. Jatin Hans, Advocate,
for respondent No.1.

Mr. Rajesh K. Sheoran, Addl. A. G. Haryana.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant civil revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 26.02.2014 (Annexure P-2) passed by learned District Judge, Bhiwani whereby appeal preferred by respondent-defendant No.1 against the order dated 17.05.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Bhiwani has been allowed.

Brief facts of the case are to the effect that petitioner and respondent No.2 filed suit for declaration with consequential relief of

CR-1766-2014

permanent injunction against respondent No.1 and respondent Nos.3 to 11 with the averments that the plaintiffs and proforma defendants are owners in possession to the extent of 1/12 share as mentioned in the head-note of the plaint and they are entitled to get the mutation of inheritance sanctioned in respect of the suit property in their favour in the revenue record. Along with the suit, the petitioner and respondent No.2 filed an application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure (for short, 'CPC') which has been allowed vide order dated 17.05.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Bhiwani and thereby respondent No.1 was restrained from alienating the suit property till the decision of suit on merits. Feeling aggrieved, respondent No.1 preferred an appeal before learned District Judge, Bhiwani which has been allowed vide impugned order dated 26.02.2014 whereby order dated 17.05.2013 passed by learned Addl. Civil Judge (Sr. Divn.), Bhiwani has been set aside. Hence, this civil revision.

I have heard learned counsel for the parties and perused the record.

Vide order dated 29.01.2015, a Coordinate Bench of this Court directed the parties to maintain status quo regarding alienation as existing on that day. The crucial issue as to whether defendant No.1-Ramheti is the wife of deceased-Khema Ram, is to be determined in the suit and if the property is sold during the pendency of suit, it will create

CR-1766-2014

third party right in the suit property. Keeping in view the above, this Court is, *prima facie*, satisfied that the parties be directed to maintain status quo regarding alienation of the suit property till final decision of the suit. Ordered accordingly. However, trial Court is directed to finally decide the suit as early as possible preferably within one year from the date of receipt of copy of this order. It is made clear that three opportunities each will be given to the plaintiffs and defendants for leading evidence in affirmative. One opportunity shall also be provided to the plaintiff to lead evidence in rebuttal. It is also made clear that not more than one month's time will be granted to lead evidence in affirmative and not more than 15 days' time to lead evidence in rebuttal.

Disposed of in the aforementioned terms.

24.02.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge