

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.2075 of 2016

Date of Decision.18.03.2016

Sukhchain Singh

.....Petitioner

Vs.

Harpreet Kaur and another

.....Respondents

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. In a suit for specific performance, the plaintiff had sought for interim prayer or restraint against the defendant from alienating property. The Court had granted a relief of appeal filed by the defendant. It appears that the defendant had relied on a report said to have been obtained through an expert that is drawn up even before the suit had been filed. It is not known how the report which according to the petitioner is still a matter of intrigue, the defendant could secure from an expert and rely on the same for the first time. The Appellate Court has made favourable observation to find as though the report is genuine and that it can be acted upon. I find the observations of the Appellate Court regarding the genuineness of the document to be not fair or correct. The Court could not have relied on a report brought for the first time in the Appellate Court and that too without a disclosure of how the expert was able to make comparison when the document was

not with the defendant.

2. I set aside the finding of the Appellate Court relying on the report but all the same, I will find nothing for intervention in the order passed. This is in view of the fact that the plaintiff's suit for specific performance for enforcement of the agreement will make no dent by any subsequent alienation made by the defendant and it cannot cause any fetter to his own right to secure a specific performance or enforcement against the vendor or any purchaser pending suit. The doctrine of *lis pendens* will itself protect the plaintiff's right and I do not think the case would require to be considered only whether interim injunction granted against restraint of alienation should have been granted.

3. I find no substantial prejudice as resulting from the ultimate order passed and therefore, dispose of the civil revision with the above observations dispensing with notice to the respondents.

(K. KANNAN)
JUDGE

March 18, 2016
Pankaj*