

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2144 of 2016 (O&M)

Date of decision: 21.03.2016

Amarjit Kaur and another

... Petitioners

versus

Amrik Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vikas Mehsempuri, Advocate for the petitioners.

K.Kannan, J. (ORAL)

The plaintiffs who were the daughters of one Swaran singh have a grievance that they were not impleaded as legal representatives after the death of Swaran Singh in a suit instituted by him to protect his alleged possession with reference to 28 *bighas* and 10 *biswas*. However, it is an admitted case that the sons of Swaran Singh had been impleaded and after the dismissal of the suit at the successive stages, the case is pending before the Hon'ble Supreme Court. The daughters have a contention to make in the present suit that they came to know about the pendency of suit by the father and about the non-impleadment only recently and that their own possession must be protected. The Courts below have observed that there is no executable decree for 28 *bighas* and 10 *biswas* and the relief of injunction cannot be granted. I may not go as far as to state whether there exists a decree or not that is capable of being executed, but, I am convinced that there is no prima facie case for the petitioner to plead for injunction. The compromise which was effected in the Appellate Court, talks about the settlement outside the Court and no decree was passed in terms of the

compromise. On the other hand, the Court refers to some understanding between the parties but they did not think it necessary to prepare a memorandum of compromise, file the same into the Court and to secure a decree in terms of such compromise. If the sons of Swaran Singh could not secure a favourable decree on the basis of suit filed by Swaran Singh, the daughters also cannot now obtained any relief for their own right will depend on the outcome of the case before the Hon'ble Supreme Court. I see the present suit to be engineered to open a new front if the case before the Hon'ble Supreme Court were to go adversely to their own brothers who were the sons of Swaran Singh.

The Court below had a justification for dismissal of the application and the petitioners cannot be treat themselves as aggrieved by some of the observations relating to the nature of decree that was passed at the Appellate Court making reference to compromise. It is understood at all times that observations for the purpose of disposal of interlocutory applications are only for the purpose of such disposals and will have no bearing to the ultimate disposal in suit that would require to be made on merits.

I make no intervention to the impugned order. The civil revision petition is dismissed.

(K.KANNAN)
JUDGE

21.03.2016
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