

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

CM No.6035-CII of 2016 &
C.R.No.2000 of 2014 (O&M)
Date of Decision: May 03, 2016

Nikhil Bhagat

...Petitioner

Versus

Usha Rani Bhagat & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Sanjeev Sharma, Advocate,
for the petitioner.

Mr.Abhinav Sood, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

CM No.6035-CII of 2016

Prayer in the application is for recalling the order dated
16.3.2016.

For the reasons mentioned in the application, which is
supported by an affidavit, the order dated 16.3.2016 is recalled and the
revision petition is restored to its original number.

CM stands disposed of.

Civil Revision No.2000 of 2014

Petitioner-plaintiff is aggrieved of the dismissal of the
application filed for seeking ad interim relief qua alienation of the property
sold by Usha Rani-respondent No.1.

Mr.Sanjeev Sharma, learned counsel appearing on behalf of the

petitioner-plaintiff submits that the suit seeking declaration and

consequential relief of permanent injunction was filed. Jagdish Raj-defendant No.2 had married plaintiff's mother Sunandra Bhagat without disclosing the fact that he was already married with Usha Rani-respondent No.1. Usha Rani has executed certain sale deeds. Since petitioner's mother is married to Jagdish Raj Bhagat, therefore, he has a right and interest in the property. Both the Courts below though declined the relief, but this Court vide order dated 18.3.2014 granted status-quo.

Mr.Abhinav Sood, learned counsel appearing on behalf of the respondents submits that the suit, *ex-facie*, is not maintainable as the petitioner has no right in the property of Usha Rani as it is self-acquired property and, thus, urges this Court for affirming the findings.

I have heard the learned counsel for the parties and appraised the paper book and of the view that there is no substance and force in the submission of Mr.Sharma as at the best, the petitioner is entitled to claim damages qua the concealment of the fact or seek declaration, but the son cannot seek restraint order with regard to the property owned by respondent No.1 Usha Rani wife of Jagdish Raj Bhagat-respondent No.2.

It has been pointed out to this Court that the suit is at the stage of plaintiff's evidence. I deem it appropriate to direct the trial Court to decide the matter as expeditiously as possible by affording 4-4 effective opportunities to the parties to lead evidence.

With the aforementioned observations, the impugned orders are affirmed. Revision petition stands disposed of.

May 03, 2016
ramesh

(AMIT RAWAL)
JUDGE