

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

**C.R. No.4280 of 2016
Date of Decision.12.07.2016**

Ram Charittar

.....Petitioner

Vs.

Ram Behan and others

.....Respondents

Present: Mr. P.S. Punia, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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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AMIT RAWAL J. (ORAL)

The petitioner-defendant is aggrieved of the order of the lower Appellate Court whereby in misc. appeal against the order of status quo granted by the trial Court, stay of the alienation over and above the status quo order has been passed.

Mr. P.S. Punia, learned counsel appearing for the petitioner-defendant contends that the respondent-plaintiff had not challenged the order of status quo. The appeal was filed at the instance of the petitioner-defendant and the lower Appellate Court ought not to have modified the order of status quo by putting a rider on alienation qua both the parties.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that since both the parties have set up a Will of the deceased claiming ownership, much less, the possession, the trial Court had rightly passed the order of status quo. Any alienation without any rider

would also be hit by doctrine akin to lis pendence i.e. as per the provisions of

Section 52 of the Transfer of Property Act, the party shall be at liberty to prove its ownership by proving the genuineness and validity of the Will, much less, possession. In my view, the restraint order of alienation would certainly avoid multifarious litigation, much less, creating third party rights.

I do not find any reason for making an intervention with the order already passed by the Court below and the order cannot be stated to be without jurisdiction. The order already passed by the Court below is confirmed and the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

July 12, 2016
Pankaj*