

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

**CR No. 4991 of 2014 (O&M)
Date of decision: 14.03.2016**

Manpreet Kaur and another

... Petitioners

versus

Jugraj Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Karanjit Singh, Advocate for the petitioners.

Mr. Dinesh Ghai, Advocate for the respondent.

K.Kannan, J. (ORAL)

In an incompetent proceeding before the Court below, the Court has proceeded to pass an order of injunction against alienation. The order is wrong, for, an incompetent petition itself ought to be a justification for dismissal of the interim application as well.

There is no scope for an application under Section 8 to be entertained directly by any party. It can be invoked only in a suit pending before the judicial authority. The order passed by the Court below is erroneous. The injunction granted is vacated and the petition filed before the Court below is ordered to be removed from the file.

The civil revision petition is allowed on the above terms and the application pending before the Court below under Section 8 is ordered to be taken off the file in exercise of power under Article 227 of the Constitution.

**(K.KANNAN)
JUDGE**

14.03.2016

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