

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

Civil Revision No.5503 of 2016(O&M)

Date of Order: 01.09.2016

Nirmal Singh

..Petitioner

Versus

Tejinder Singh Gill and others

..Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

**Present: Mr. Naresh Gopal Sharma, Advocate,
for the applicant/petitioner.**

RAJ MOHAN SINGH, J. (Oral)

In a suit for declaration for perpetual injunction, filed by plaintiffs-respondents, the trial court granted status quo with regard to alienation of suit property. The lower Appellate Court has also affirmed the same, vide order dated 25.05.2016. The interim relief was sought against defendant no.1/petitioner on the ground that he has forged will of Smt. Mohinder Kaur as well as the affidavit of Sh. Jodh Singh Gill. Sanction of mutation pursuant to said documents was also claimed to be illegal. Defendant No.1/petitioner was not admitted to be natural heir nor entitled to succeed the estate of Mohinder Kaur. Petitioner contested the claim of the plaintiffs on the ground that Mohinder Kaur was his sister and the will was executed in his favour on the ground of services rendered by him towards his

sister. All these issues are to be primarily gone into by the courts below at the relevant time. The plea of the plaintiffs being adopted son of Jodh Singh Gill is also to be gone into by the courts below on the basis of evidence likely to be adduced therein. At the stage of granting or refusing temporary injunction, *prima-facie*, nature of cause, balance of convenience, irreparable loss to the plaintiffs in the event of non grant of temporary injunction are to be appreciated. The nature of property has to be preserved during pendency of suit. The courts below have not passed any incriminating order against the petitioner-defendant except to preserve the suit property till final conclusion of the trial.

In my considered opinion, there is no error of jurisdiction in the order passed by the trial court in granting status quo regarding alienation during pendency of the suit.

No ground to interfere in this petition, the same is accordingly dismissed.

September 01, 2016
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No