

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

C.R. No.5594 of 2016 (O&M)

Date of Decision.31.08.2016

Navtej Singh

.....Petitioner

Vs.

Sukhwant Kaur

.....Respondent

Present: Mr. N.S. Dadwal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

AMIT RAWAL J. (ORAL)

The petitioner-defendant is aggrieved of the impugned order whereby in suit for specific performance ad interim order under Order 39 Rules 1 and 2 CPC has been passed against the petitioner-defendant.

Mr. Dadwal, learned counsel appearing for the petitioner submits that under the garb of the interim order, entire property has been stayed. Even otherwise, the agreement to sell was emphatically denied. The Court ought not to have granted the injunction as the plaintiff failed to bring out the case within the provisions/realm of Order 39 Rule 1 and 2 CPC.

I have heard learned counsel for the petitioner and appraised the paper book. The agreement to sell is with regard to 8 kanals and injunction granted by the trial and upheld by the lower Appellate Court in misc. appeal is also qua 8 kanals. The alienation of the property during the pendency of the suit would lead to multifarious litigation. In view of the aforementioned, the orders passed by the Courts below are most innocuous and restraint order shall remain operative till the adjudication of the suit.

I do not find any illegality and perversity in the orders under challenge, much less, the orders cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

August 31, 2016
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No