

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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Civil Revision No. 742 of 2016
Date of Decision: 03.02.2016

Sukhwinder Singh

---Petitioner

versus

Balbir Kaur @ Hamir Kaur and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. M.K.Singla, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against order dated 19.1.2016 (Annexure P-7) passed by the Additional Sessions Judge, Sangrur whereby the appeal preferred by respondent Manjit Kaur against order dated 21.11.2014 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Sangrur has been allowed and order of status quo passed by the trial court has been reversed/set aside.

Counsel for the petitioner contends that Balbir Kaur @ Hamir Kaur respondent No. 1 sold the property in question in favour of Manjit Kaur during pendency of the suit and as a consequence, the petitioner had to implead Manjit Kaur as a party and to challenge the sale effected in her favour by Balbir Kaur. It is further argued that if Manjit Kaur further alienates the property during pendency of the suit, the petitioner may again

be required to implead the subsequent vendee as a party, therefore, the appellate court has committed an error by vacating the order of status quo against alienation of the suit property.

Though it is always in the interest of the parties to maintain status quo in regard to the subject matter of the suit during pendency of proceedings but there is no question of any irreparable loss to the petitioner in case any transfer is made during pendency of the proceedings as the same would be hit by the principle of lis pendence, envisaged under Section 52 of the Transfer of Property Act. 1882.

With these observations, the petition stands disposed of.

(Rekha Mittal)
Judge

03.02.2016
PARAMJIT