

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

C.R. No.7927 of 2016

Date of Decision.23.11.2016

Karnail Singh

.....Petitioner

Vs

Shyam Lal and others

.....Respondents

Present: Mr. Manjeet Singh, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner-plaintiff is aggrieved of the impugned order dated 01.10.2016 (Annexure P-6) whereby the prayer for ad interim injunction during the pendency of the suit, much less, for effecting service on defendants, has been declined.

Mr. Manjeet Singh, learned counsel appearing for the petitioner submits that the petitioner-plaintiff had filed the suit seeking declaration that the two registered sale deeds dated 10.02.2016 and 03.08.2016 in favour of defendant Nos.2 to 6 were bad in law for the reasons stated in the application. The petitioner is stated to have been in possession, however, the defendants are causing threat for alienation of property, in essence, the creation of the third party rights which would unnecessary result into multiplicity of the litigation. It is in this aspect of the matter, ad interim injunction was sought.

He further submits that in case the trial Court is directed to decide the application till then this Court may grant indulgence qua interim protection as sought for.

I have heard learned counsel for the parties, appraised the paper book and of the view that the aforementioned relief cannot be granted as any alienation made during the pendency of the suit shall be hit by doctrine akin to *lis pendens*. However, the petitioner-plaintiff cannot be left in lurch for adjudication of the ad interim application accompanied by a suit claiming relief as indicated above and therefore, I deem it appropriate to fix time line by issuing directions to the trial Court to decide the interim application moved under Order 39 Rules 1 and 2 CPC as expeditiously as possible after completion of the pleadings and preferably within a period of two months from the date of receipt of copy of this order. Defendant Nos.1 and 2 are the contesting defendants and in case defendants do not choose to file written statement, necessary steps will be taken under Order 8 Rule 1 CPC.

The impugned order is upheld but the revision petition is disposed of with the above observations.

(AMIT RAWAL)
JUDGE

November 23, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No