

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

C.R. No.794 of 2016

Date of Decision.04.03.2016

Ajmer Kaur

.....Petitioner

Vs.

Gurmit Kaur and others

.....Respondents

Present: Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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

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K. KANNAN J. (ORAL)

1. The claim for injunction against alienation was granted at an interlocutory stage by the trial Court and it was modified at the Appellate Court allowing for alienation to take place. The plaintiff is the revision petitioner before this Court.

2. The right of alienation is a necessary incident of ownership and unless there is an apprehension that a person who purchases the property is complete stranger and that the alienation would affect the plaintiff's right in the property of which he has a prima facie proof, relief of injunction ought not to be granted. The other exception which is possible for a co-owner to claim a restraint would be in a situation where the plaintiff as a co-owner has a pre-emptive right protected under Section 22 of the Hindu Succession Act. There is no such claim made by the petitioner in this case. The relief of injunction sought for was not tenable and if the Appellate Court had modified the same, it

has done what was appropriate.

3. I do not find any error for interference in the revision petition. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 04, 2016
Pankaj*