

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

CR No. 8563 of 2016

Date of decision : 19.12.2016

Shanti Devi & anr.

...Petitioners

V/s

Jagdeep & anr.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Madan Lal, Advocate for the petitioner.

RAJAN GUPTA J.

Plaintiff-respondent no. 1 preferred a suit for declaration to the effect that sale-deed in question was null and void being a result of fraud. He also sought injunction to restrain defendant no. 2 from alienating the suit property during the pendency of suit and to restrain defendants no. 1 to 3 from interfering in possession of the plaintiff. Plea under Order 39 Rule 1 & 2 was declined by the trial court and upheld by the appellate court on the ground that three ingredients of the provision was not met. Learned counsel for the petitioners emphatically submits that possession is in fact with the petitioners-defendants and not with the plaintiff-respondent. As this question can be decided only after evidence is led before the court below, this court finds no ground to interfere with the concurrent orders passed by two courts below. Disposed of.

This court hopes and trusts that trial court shall endeavor to conclude the trial expeditiously preferably within a period of one year. It shall come to an independent conclusion on the basis of evidence that come before it.

December 19, 2016

(RAJAN GUPTA)
JUDGE

Ajay

Ajay Kumar
2016.12.21 16:34
I attest to the accuracy and
authenticity of this document

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No