

In the High Court of Punjab and Haryana at Chandigarh

236

CR No. 6782 of 2016

Date of decision: 11.8.2017

RASHMI

.....petitioner

Versus

SUBE SINGH & ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Ashish Aggarwal , Sr.Advocate with
Mr.Govind Chauhan, Advocate
for the petitioner.

Mr. Anshul Mangla, Advocate,
for the respondents.

Raj Mohan Singh, J.(oral)

On 7.10.2016, following order was passed by this

Court:-

“By referring to recital of sale deed dated 21.01.2014, learned senior counsel for the petitioner contends that the effort of respondent No.1 is to wriggle out from the obligation to pay maintenance to mother of the petitioner. The vendee Roshan Lal is a partner with respondent No.1 in M/s Neelkanth Trading Company, New Grain Market, Radaur. Recital of the sale deed is suggestive of collusive nature of transaction.

Learned senior counsel further contends that the findings recorded by the lower Appellate Court (i.e. even if the properties proved to be Joint Hindu Family Coparcenary property, the karta of the family cannot be restrained from alienating the suit land) would certainly circumvent the provision of Hindu Adoption & Maintenance Act, under which mother of petitioner has already filed a suit for maintenance. Factum of alleged legal necessity is a debatable issue.

Notice of motion for 18.11.2016.

Till the next date of hearing, status quo regarding alienation over the suit property be maintained.”

After arguing this case for some time, learned counsel for both the parties have submitted that let the order of status quo regarding alienation be made absolute during pendency of the suit and the trial Court be directed to decide the suit by making all possible endeavour at the earliest.

Both the parties are ad idem that they will not avail more than three opportunities henceforth for leading evidence and would assist the trial Court in early disposal of the suit itself.

In view of above understanding, the order dated 7.10.2016 is made absolute and the same shall remain in force

during pendency of the suit. However, trial Court is directed to dispose of the suit itself preferably within a period of eight months by giving short adjournments to the parties for producing their evidence.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

August 11, 2017
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Whether reasoned/speaking **Yes/No**

Whether reportable **Yes/No**