

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2454-2017 (O&M)
Date of decision : 9.2.2018

Ram Niwas

..... Petitioner

Versus

Suresh Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr.Munish Kumar Garg, Advocate for the petitioner.

1. *Whether the Reporters of local newspaper 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 ?*

KULDIP SINGH J. (ORAL)

Heard.

Petitioner had sued his brothers and sisters by filing a suit for permanent injunction, restraining them from alienating the land and also dispossessing him except in due course of law.

It was claimed that the petitioner is co-sharer with the defendants. The suit against defendants No. 4 and 5 was dismissed and relief against defendants No. 3 and 6 was given up. In the suit, defendants No. 1 and 2 were proceeded ex-parte and the decree was passed restraining them from dispossessing the plaintiff and from alienating the same forcibly and illegally except in due course of law. It is further submitted that now execution has been filed by decree holder stating that Suresh Kumar-Judgment Debtor No. 1 has executed the sale deed in favour of his son-Narsi.

It is further contended that partition proceedings are pending.

I am of the view that Suresh Kumar being the co-sharer is alienating his share and no specific area is stated to have been sold.

Under the garb of the present decree, defendant No.1-Suresh Kumar could not be prevented from transferring his share in favour of his son-Narsi.

In view of above, I do not find any ground to interfere in the impugned order dated 28.11.2016 passed by learned Civil Judge (Senior Division), Jind.

Dismissed.

(KULDIP SINGH)
JUDGE

9.2.2018
preeti

Whether speaking / reasoned
Whether Reportable:

Yes
No