

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

**CR No.2575 of 2018 (O&M)
Date of Decision: April 23, 2018**

Surender Singh

...Petitioner

Versus

Smt. Yogita Yadav

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Shashi Kant Gupta, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

It is an outburst of a matrimonial dispute between the petitioner-husband Surender Singh and respondent-wife Yogita has given rise to the present revision petition when the Court of learned Civil Judge (Senior Division), Narnaul through order dated 08.03.2018 dismissed the application of the plaintiff-husband under Order 39 Rule 1 and 2 CPC seeking temporary injunction in suit for declaration and permanent injunction and his appeal stood dismissed vide impugned judgment dated 04.04.2018 by the Court of learned Additional District and Sessions Judge, Narnaul.

The claim of the husband is that wife has purchased plot measuring 200 square yards detailed in the pleadings vide registered sale deed No.1294 dated 30.10.2012 and claims that entire sale consideration was paid by him and apprehensive that the wife might alienate the same

and has brought about suit in question in which relief of injunction was sought.

Upon hearing learned counsel for the petitioner, it is the own stand of the husband that property in respect of which he is trying to seek injunction has been purchased through registered sale deed in the name of his wife. It is a question of evidence, during the course of trial, if the claim of the husband is truthful or not and even if as is the apprehension shown by learned counsel for the petitioner that wife might sell off the property certainly would be governed by the principle of *lis pendens*. The Court below has rightly concluded that none of the necessary ingredients prima facie case, balance of convenience and irreparable loss are established by the husband necessitating allowing of relief in question. Learned counsel could not convince this Court how there has been miscarriage of justice done by the learned Court below through the impugned judgment. Thus, finding no merit in the present revision petition the same stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

April 23, 2018
aarti

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No