

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

**CR No.29 of 2018
Date of Decision:16.01.2018**

Ranjit Singh Dhaliwal

...Petitioner

Versus

Joop Kaur and other

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.N.S.Boparai, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in the revision petition against the dismissal of application under Order 39 Rules 1 and 2 of the Code of Civil Procedure, for grant of temporary injunction confirmed in the appeal.

It is not disputed that the plaintiff is not in possession of the property in dispute. Only prayer made by the plaintiff is that the defendants be restrained from alienating the suit property. The learned first appellate court has protected the interest of the plaintiff by noticing that any sale or alienation of the property would be governed by the rule of *lis pendens* as provided in Section 52 of the Transfer of Property Act, 1882. The court has further ordered as under:-

“.....In order to protect the further purchases, defendants are directed to incorporate the factum of pendency of present suit in the sale deed or other document, if any transfer takes place during the pendency of this suit.”

Still further, both the courts have noticed that the plaintiff is claiming the property only on the basis of a registered will, whereas the

defendants are claiming the property on the basis of civil court decree and in the alternative as natural heirs.

This Court does not find any error in the orders passed by the courts below. The learned courts have already protected the interest of the plaintiff.

Dismissed.

16.01.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No