

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

**C.R. No.7428 of 2017
Date of Decision.18.01.2018**

Kaushalya Devi and others

.....Petitioners

Vs

Pardeep Kumar

.....Respondent

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Priyanshu Kamra, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The revision petition has been preferred against the impugned orders rendered by the Courts below dismissing the application seeking interim relief *viz-a-viz* creation of third party rights by the defendants. Both the Courts below have dismissed the application, particularly, the lower Appellate Court observed that similar suit was filed by the predecessor-in-interest of the plaintiffs in which injunction was rejected. Moreover, the petitioners-plaintiffs have not challenged the allotment in favour of the respondent and only challenged the possession. For adjudication of application under Order 39 Rule 1 and 2 CPC seeking interim relief in the suit, the plaintiffs are required to prove the ingredients of the aforementioned provisions. It is a case where the petitioners-plaintiffs have not been able to make out a case as the prayer is only to restrain the defendants from creating any third party rights. Section 52 of the Transfer of Property Act takes care of such situation.

With the aforementioned observations, the revision petition is disposed of. However, anything observed in this order shall not be construed as an expression on the merits of the suit.

(AMIT RAWAL)
JUDGE

January 18, 2018
Pankaj*

Whether reasoned/speaking	Yes
Whether reportable	No