

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

RSA No.6074 of 2016 (O&M)

Date of decision:17.05.2018

Parvinder Kaur

... Appellant

Vs.

Gurmaiul Kuar

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jai Bhagwan, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is aggrieved of the concurrent findings of facts and law, whereby, suit seeking permanent injunction against the defendant not to sell the house, has been dismissed by the trial Court and affirmed by the Lower Appellate Court.

Mr. Jai Bhagwan, learned counsel appearing on behalf of the appellant-plaintiff submits that suit was filed by the appellant/plaintiff-Parvinder Kaur on the premise that she was married to Sarabjit Singh son of Davinder Singh. Since the defendant was owner of the property, there was a matrimonial discord and FIR under Sections 406 and 498-A IPC had been registered. The plaintiff has also filed an application under Sections 17, 18 and 19 of the Protection of Woman from Domestic Violence Act, 2005 and the Court has passed the order to protect the possession of the plaintiff and defendant was restrained from dispossessing or disturbing the possession of

plaintiff from the house in dispute till further orders. The defendant was contemplating to alienate the property in order to dispossess her but the Courts below did not advert to the aforementioned fact, thus, there is gross illegality and perversity in the findings under challenge.

I have heard the learned counsel for the appellant-plaintiff, appraised the judgments and decrees of the Courts below and of the view that there is no force and merit in the submissions of Mr. Bhagwan. As per the provisions of Section 41(h) of Specific Relief Act, suit as framed was not maintainable and rightly so, the Courts below declined to grant the injunction as sought.

As an upshot of my findings, I do not find any illegality and perversity in the judgments and decrees of the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 17, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No