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

COCN No. 3439 of 2014

DECIDED ON: NOVEMBER 25, 2019

GAJJAN SINGH

.....PETITIONER

VERSUS

HARMINDER KAUR AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Hem Raj Bhardwaj, Advocate
for the petitioner.

Mr. A.S. Jawandha, Advocate
for respondent No.2.

AVNEESH JHINGAN, J (ORAL)

The petitioner-plaintiff filed a suit for declaration to the effect that he is owner-in-possession of the property detailed in the suit. An application for interim injunction was filed which was rejected. Thereafter, CR No. 5400 of 2012 was filed challenging the dismissal of application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908. This Court vide order dated 25.07.2013 directed that if during pendency of the suit, respondents alienate the suit land, they shall in the deed of alienation itself recite about the pendency of the suit and shall within one month from the date of alienation intimate the trial Court about the alienation by placing copy of the alienation deed on record of the trial Court.

Learned counsel for the respondents submits that intimation was given with regard to alienation to the Civil Court and copy was also attached.

He further submits that the suit has been dismissed for default and has not been restored till date.

Learned counsel for the petitioner is not in a position to contradict the factual aspect.

In view of the fact that the main suit itself is not pending, no cause of action survives for pursuing the present petition.

Disposed of.

Rule issued against the respondents stands discharged.

Needless to say that petitioner would be liberty to avail remedy in accordance with law including to file an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, if cause so arises.

NOVEMBER 25, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>