

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

Sr. No.115

C.R. No.953 of 2019
Date of decision: 26.03.2019

Harmohan Grewal

....Petitioner

versus

Dr. Atma Singh Grewal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. K.S. Chahal, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 26.11.2018 passed by the Civil Judge (Junior Division), Chandigarh (for short – the Trial Court) through which an application filed by the petitioner under Order 11 Rule 1 CPC read with Section 151 CPC for serving interrogatories and production of documents has been dismissed.

The petitioner filed a suit seeking therein a declaration to the effect that he be declared exclusive owner of H.No.360, Sector 44-A, Chandigarh (for short – the suit property). He also challenged sale deed qua the suit property dated 27.09.2013 executed by respondent No.1 in favour of respondents No.4 and 5. Permanent injunction to restrain the respondents from alienating, transferring etc. the suit property was also sought. Decree for mandatory injunction to direct the respondents to get the name of the

petitioner recorded as owner in the record of the Chandigarh Housing Board was also prayed for. The petitioner further sought damages/mesne profits for use and occupation of the suit property by the respondents.

Through his suit, the petitioner seeks to be declared owner of the suit property. He has also laid a challenge to the sale deed qua the suit property dated 27.09.2013 executed by respondent No.1 in favour of respondents No.4 and 5. The interrogatories which the petitioner seeks to serve upon respondents No.2 and 3 with regard to the purchase of the suit property, the nature of purchase, details with regard to installments paid by respondent No.1, the rate and amount of rent that respondent No.2 was getting as also details regarding the sale consideration qua the suit property are found to have been answered in the written statement filed by the respondents. Thus, no purpose would be served in serving upon respondents No.2 and 3 interrogatories in that regard.

So far as the interrogatories with regard to pension and reimbursement of medical expenses of respondent No.1, details with regard to visit to various doctors and hospitals by respondent No.1, medical expenses of respondent No.1 after the sale of the suit property, details of articles left behind by respondent No.1, details with regard to the visit of the petitioner to India after 30.07.2012 and monthly medical expenses of respondent No.1 are concerned, the same are found to be irrelevant when they are seen in the light of the reliefs sought by the petitioner in his suit which are that he be declared exclusive owner of the suit property as also to set aside the sale deed qua the suit property executed by respondent No.1 in favour of respondents No.4 and 5.

In view of the above, the impugned order does not warrant any interference.

Dismissed.

(DEEPAK SIBAL)
JUDGE

March 26, 2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No