

CR No.5035 of 2019

Date of Decision: 26.8.2019

Chanderwati

.....Petitioner

Versus

Jagdish

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Ram Kumar Saini, Advocate, for the petitioner.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition has been filed against the order dated 20.5.2019, vide which, the appeal against the impugned order dated 14.5.2018 passed by the Civil Judge (Jr. Divn.), Faridabad dismissing the injunction application under Order 39 Rule 1 & 2 CPC was dismissed as also the order dated 14.5.2018 passed by the Civil Judge (Jr. Divn.), Faridabad dismissing the said application.

It is not disputed that the petitioner herein purchased the property during the pendency of the suit for specific performance filed by the respondent against the original owners, namely, Raj Kumar and Har Parshad. The said suit was decreed on 4.5.2010. The said suit had attained finality. Therefore, no fault can be found with the order passed by the trial Court for dismissing the application of the petitioner under Order 39 Rule 1 & 2 CPC qua the property for which the said application is filed, specially taking into account that it is admitted position that the petitioner purchased the property during the pendency of the earlier suit filed by the respondent.

The argument that the petitioner is bonafide purchaser does

not help. If at all, his remedy lies against the seller and not against the present respondent, who has a decree in his favour, which has attained finality.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

26.8.2019

sharmila

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