

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

CR No.2144-2020(O&M)

Date of Decision:21.08.2020

Kirodi Lal

.....Petitioner

Versus

Smt. Maya Devi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rajvinder Singh Bains, Advocate,
for the petitioner.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Petitioner has filed the present revision petition under Article 227 of the Constitution of India read with Section 151 CPC, so as to set aside the impugned order dated 11.12.2019 passed by learned Additional District & Sessions Judge, Palwal, whereby his appeal against the order dated 27.11.2018 passed by the Civil Court rejecting the application filed by him under Order 39 Rules 1 and 2, read with Section 151 CPC, was dismissed.

Learned counsel for the petitioner has argued that the application filed by the petitioner under Order 39 Rules 1 and 2 read with Section 151 CPC filed by the petitioner in the suit pending before the Civil Judge(Junior Division), Hodal, restraining the defendants from alienating the suit land till final disposal of the suit has wrongly been dismissed. No prejudice is going to be caused to the defendants, in case, the defendants are restrained from alienating the suit land. The defendants are the legal heirs

amount of Rs.17,50,000/- as the petitioner has given a friendly loan to him on 06.04.2013.

Heard learned counsel for the petitioner and perused the orders passed by the courts below.

In order to prove *prima facie* case, the petitioner was required to prove that the suit land bearing khasra No.249/116 measuring 6 kanal 0 marla to the extent of 23/120 share was inherited by the defendants from late Kartar Singh by way of succession. However, perusal of the jamabandi for the year 2006-07 depicts that respondent No.1 was owner of 21/120 in her own personal right, whereas Kartar Singh was owner of 7/120 share and Kartar Singh has transferred his 7/120 share in favour of respondent No.1- Smt. Maya Devi vide relinquishment-deed, as per the mutation No.9366. Therefore, she has not inherited the property of Kartar Singh. In this manner, the trial court has held that the suit property against which the petitioner is intending to seek restrain order has not been inherited by the defendants after the death of Kartar Singh. In the absence of any *prima facie* case, the trial court has rightly dismissed the application filed by the petitioner.

In view of the above, this Court does not find any merit in the instant revision petition and the same is hereby dismissed.

The observations made here-in-above shall not be taken as an expression in the pending suit between the parties, and are confined to present revision petition only.

August 21, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No