

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

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C.R. No. 2411 of 2020 (O&M)

Date of Decision:- 27.10.2020

Anirudh Parshad

....Petitioner

vs.

Smt. Soni Devi and others

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Sanjay Verma, Advocate,
for the petitioner.

Sudhir Mittal, J. (Oral)

C.M.No.9317-CII of 2020

Application is allowed.

Exemption sought for is granted.

C.R. No. 2411 of 2020

The respondents filed a suit for declaration of their ownership in respect of the suit property and consequential relief of permanent injunction. The suit property is a residential house. Along with the suit, an application under Order 39 Rules 1 and 2 CPC for temporary injunction was also filed. The trial Court partially allowed the same and restrained the dispossession of the respondents except in accordance with law. The stay of alienation was declined. Thus, the respondents filed an appeal whereupon the appellate Court has said that in case of alienation, the sale deed shall disclose the factum of pendency of the suit.

Learned counsel for the petitioner argues that the plaintiffs-respondents have not been able to even *prima facie* establish their title to the

suit property. On the contrary, the petitioner has placed on record the letter of allotment showing his ownership. Since the respondents were unable to establish even a *prima facie* case, the appellate Court was in error in modifying the order of the trial Court.

The appellate Court has not modified the order of the trial Court but has only clarified the same. No stay of alienation has been granted. Only a direction that the details of the civil suit be disclosed in the sale deed has been issued. Such a direction is innocuous and does not adversely affect the rights of the petitioner. In any case, doctrine of *lis pendens* applies.

Thus, the argument of learned counsel for the petitioner cannot be accepted.

The petition is accordingly dismissed.

October 27, 2020
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned **Yes**

Whether Reportable **No**