

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

115

CR-6597-2019

DATE OF DECISION: 21.01.2020

ANAND SINGH HOODA

... **Petitioner (s)**

Versus

ANKIT AND ORS

... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Gaurav Khera, Advocate for the petitioner(s).

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 04.09.2019 (Annexure P-1) whereby the appeal preferred by him against the order of the trial Court declining his application under Order 39 Rules 1 & 2 of the CPC has been dismissed.

Learned counsel for the petitioner contends that the property was joint Hindu family property, and therefore, their father Late Inder Singh could not have executed the Will in favour of respondent No.1, who is his grandson. He also contends that in the event of temporary injunction being declined, irreparable harm would be caused to him which cannot be compensated in the event of the suit being decreed. He also contends that the land in dispute had been bequeathed by Late Inder Singh in favour of the petitioner and respondent No.5, who is the father of respondent No.1. The Will was executed on 06.04.2005.

Heard.

The petitioner had instituted the suit for declaration and permanent injunction, claiming that he is owner-in-possession of the suit land. The petitioner and respondents (defendants) are owners-in-possession of the suit land. The suit land, which comprises 2 kanals 9 marlas, is alleged to have been transferred by transfer deed No.5910 dated 04.08.2016 by Late Inder Singh in favour of respondent No.1. It is not in dispute that Late Inder Singh was original owner of the property. The Will was executed on 06.04.2005 and it would, of course, come into operation on the demise of Inder Singh. Inder Singh had expired on 19.10.2016 but prior thereto, the land in dispute had been transferred in favour of respondent No.1 on 04.08.2016. Therefore, the petitioner had not been able to make out a case for grant of temporary injunction.

Consequently, I do not find any manifest illegality in the orders of the courts below declining the injunction.

The petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

21.01.2020.

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No