

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 4.3.2020

RSA- 2554 of 2018 (O&M)

Baljit Kumar

---Appellant

versus

Salochana

---Respondent

RSA-3734 of 2018 (O&M)

Baljit Kumar

---Appellant

versus

Rupa

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Surinder Mohan Sharma, Advocate
for the appellant**

Rekha Mittal, J.

This order will dispose of RSA Nos. 2554 and 3734 of 2018 as identical questions of law and fact are involved for adjudication. For facility of reference, facts are taken from RSA No. 2554 of 2018.

The appellant-plaintiff filed suit for permanent injunction restraining the respondent-defendant from transferring or creating any charge over land measuring 2 bigha 10 biswas, agreed to be sold to the appellant-plaintiff vide agreement to sell dated 23.7.2010 whereby it was agreed between the parties that sale deed would be executed within a period

of six months after decision of civil suit qua title of the suit property pending in the Court at Panchkula.

The courts have recorded consistent findings that since the respondent-defendant is not declared to be owner of the suit property till date, there is no question of her having any authority to alienate the suit property, therefore, apprehension expressed by the appellant that she is going to alienate the suit property is not well based.

The sole submission made by counsel is that as per the agreement, after decision of suit qua title to the suit property pending in the court at Panchkula, the respondent-defendant would send intimation qua decision in the said case within a period of six months from the date of decision and as such there is likelihood of respondent alienating the suit property, the moment her right qua ownership is determined in the said suit.

The entitlement of a litigant to seek any relief is determined on the basis of allegations raised in the plaint and counter allegations in the written statement. The apprehension expressed by counsel for the appellants is based upon something that may or may not happen in future. In this view of the matter, I do not find any reason to interfere.

For the foregoing reasons, the appeals fail and are accordingly dismissed in limine.

(Rekha Mittal)
Judge

4.3.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No