

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

CR-1066-2021(O&M)

Date of decision: 29.06.2021

Amar Singh

.....Petitioner

Versus

Smt. Savitri Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Salil Bali, Advocate, for the petitioner

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner has filed a revision petition under Article 227 of the Constitution of India assailing the correctness of an order passed by the learned trial court on 17.02.2021 while deciding the application under Order 39 Rules 1 and 2 CPC for grant of temporary injunction. The order passed by the learned trial court has also been affirmed in appeal by the learned Additional District Judge, Bhiwani, vide an order dated 10.03.2021. The plaintiff has assailed the correctness of a registered Will executed by late Sh. Kundan Singh after 19 years of his death. Both the courts have noticed that another suit filed by the plaintiff has already been dismissed as withdrawn. Both the courts have also found that the plaintiff has failed to make out a prima facie case and show the balance of convenience in his favour. The plaintiff prays for grant of injunction so as to restrain the respondents-defendants from alienating the suit property during the pendency of the suit. The rule of lis pendens provides that any alienation made during the pendency of the

suit would be subject to the decision of the court and as such would not adversely affect the rights of the parties. In the considered view of this Bench, the aforesaid rule adequately protects the parties to the suit. Hence, no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, also stand disposed of.

29.06.2021

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE