

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

CR-1536-2021 (O&M)
Date of Decision: 13.08.2021

RAVI

...Petitioner

Versus

SIRIYA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rakesh Nehra, Sr. Advocate
with Mr. Atul Ravish, Advocate
for the petitioner.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 04.08.2021 passed by the learned Additional District Judge, Jhajjar and order dated 13.07.2021 passed by learned Civil Judge (Junior Division), Bahadurgarh, vide which, the ad-interim relief seeking an injunction qua suit land has been declined.

2. Learned counsel for the petitioner submits that respondent No.1 is parental aunt of the petitioner. Hawa Singh (since deceased), who was younger brother of father of the petitioner/plaintiff, died issueless and unmarried on 26.01.2020. On the basis of registered Will dated 24.05.2021, petitioner claims to be the exclusive owner in possession of the properties left behind by said Hawa Singh. He has sought to cancel the mutation of inheritance already entered in the revenue record in the name of his father Ishwar Singh and Bua Smt. Siriya (respondent No.1) in equal shares. The petitioner has also challenged supplementary mutation No.11966 entered in favour of respondent No.1.

3. Heard.

4. No ground to interfere is made out in the orders passed by the Courts below, whereby grant of ad-interim relief to the petitioner/plaintiff has been declined. It has been observed, inter alia, that alleged Will would require evidentiary appreciation and at this stage, there is nothing on record to prove physical possession of the petitioner over the suit properties.

5. Dismissed.

6. However, it is made clear that any alienation and/or creation of any 3rd party rights during pendency of trial of the suit property, shall be subject to the rule of *lis pendence*, in accordance with law.

August 13 , 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No