

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 1736 of 2021

Date of Decision: 31.08.2021

Sunil Bauntra and Others

... Petitioner(s)

Versus

Jai Prakash and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Onkar Singh, Advocate
for the petitioner(s).

Anil Kshetarpal, J.

1. Through this revision petition, the petitioners (defendants) assail the correctness of the order dated 26.07.2021, passed by the first Appellate Court directing that the construction or alienation, if any, shall be subject to the result of the rent petition and the defendants shall seek prior permission before alienating the property.

2. The learned counsel representing the petitioners (defendants) contends that both the Courts below, after finding that the plaintiffs have failed to prove a *prima facie* case and the balance of convenience in their favour, dismissed the application under Order XXXIX Rule 1 and 2 CPC, but still put an embargo on the rights of the defendants to alienate the property.

3. The learned counsel admits that the defendants have not filed any application for permission to sell. He apprehends that if such an application is filed, the Court will reject the same.

4. In the considered view of this Court, the apprehension expressed by the learned counsel representing the petitioners is wholly misplaced. This Bench has no doubt that as and when the petitioners will file an application, the Court will consider the same sympathetically. In any case, if the application is rejected, the petitioners have a right to assail its correctness.

5. At this stage, this Bench does not find it appropriate to interfere. Hence, the present petition is disposed of.

(Anil Kshetarpal)
Judge

August 31, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No