

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

115

**CR-1921-2021(O&M)
Date of decision:15.09.2021**

M/S KUNDAN SINGH RAKESH KUMAR

...Petitioner

Versus

SURJIT SINGH

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Ritesh Aggarwal, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this revision petition, filed under Article 227 of the Constitution of India the petitioner calls into the question the order passed by the trial court while dismissing an application under Order 38 Rule 5 CPC with the observation that any transfer of the property shall be governed by lis-pendens as provided under Section 52 of the Transfer of Property Act, 1882.

The plaintiff filed a suit for recovery of Rs.19,28,676/- on the basis of entries in the books of accounts. The petitioner is a Commission Agent firm, whereas the defendants are farmers. It is alleged that the defendants have been borrowing amount from the plaintiff-firm from time to time.

It is the case of the defendants that they have been selling their agriculture produce through the plaintiff-firm.

Keeping in view the facts of the case, the Court has already protected the interest of the firm by observing that any sale or alienation of the immovable property will be hit by rule of lis-pendens.

Hence, no ground to interfere in exercise of powers under Article 227 of the Constitution of India.

Dismissed.

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

September 15, 2021
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(ANIL KSHETARPAL)
JUDGE

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