

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

CR No. 2881 of 2021

Date of Decision: 18.11.2021

Ravinder Singh (deceased) through LRs

....Petitioners

VS

Balbir Ram and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Manuj Nagrath, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The plaintiff has filed this revision petition as his application under Order 39 Rules 1 and 2 CPC has been dismissed and appeal against the said order has also failed.

A suit for injunction has been filed restraining the defendants therein from changing nature of the suit land, raising construction over valuable part of the property or alienating specific portion. Alongwith the plaint, an application under Order 39 Rules 1 and 2 CPC has also been filed which has been dismissed as stated hereinabove. The Courts below have found that defendant No. 2 has already sold her share and defendant No. 1 is not a co-sharer and, thus, no injunction can be granted against them.

Learned counsel for the petitioner has argued that defendant No. 1 has pleaded agreement to sell in his favour from co-sharers. On the basis thereof he is going to alienate the suit property to third parties and is going to hand over possession. A person without title can not pass a valid title and, thus, an illegality would be committed. Under the circumstances, the Courts below were in error in dismissing the application filed under Order 39 Rules 1 and 2 CPC.

If a person without title is threatening to alienate property on the basis of an agreement to sell, only the prospective buyer can have a grievance. I do not see how any rights of the petitioners are violated by this act. Thus, the argument can not be accepted. Reasons given by the Courts below have not been shown to be erroneous in any manner. No injunction can be granted against a person who is not a co-sharer. Whether under the circumstances an injunction can be granted against a co-sharer is also a moot point.

In view of the above, the revision petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

18.11.2021
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Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No