

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

CR-140-2021 (O&M)

Date of decision: 07.07.2022

Khajani and another

....Petitioners

Versus

Raj Karan @ Raja and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.R.N.Lohan, Advocate for the petitioners

Mr. Shailender Mohan, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

Both the courts have declined to grant injunction in favour of the petitioners, who are plaintiffs before the courts below. They have filed a suit challenging a civil court judgment and decree dated 20.04.1972 and correctness of the Will dated 19.05.1969, allegedly executed by their predecessor, late Sh. Harphool. The plaintiffs have filed the suit against their own brother. The suit has been filed after a period of 48 years. Both the courts have declined the injunction, after recording the findings that the plaintiffs have failed to prove the prima facie case and balance of convenience in their favour. They have also failed to prove irreparable loss and injury, which they are likely to suffer, if the property is alienated, during the pendency of the suit.

The rule of lis pendens protects the rights of the plaintiffs. Any alienation made during the pendency of the suit is subservient to the result of the case. Hence, no ground to interfere is made out.

Dismissed.

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

07.07.2022
rekha

(ANIL KSHETARPAL)
JUDGE

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