

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

107

**CR-4201-2016 (O&M)
Date of decision: 12.12.2022**

RAM KANWAR AND ORS

..Petitioners

Versus

SMT. DEBI (DECEASED) THROUGH LRS AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sumit Gupta, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

The petitioner before this Court is the plaintiff for the grant of decree of declaration with a consequential relief of permanent injunction. Along with the plaint, an application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908, to restrain the defendants from alienating the property was also filed. The trial Court while deciding application under Order XXXIX Rule 1 and 2 CPC, partly allowed the application, whereas, the First Appellate Court on re-appreciation of material facts has held that the plaintiff has failed to make out *prima facie* case in his favour.

The plaintiff prays for grant of injunction to restrain the respondents from alienating the suit property. The rights of the plaintiff are sufficiently protected by Section 52 of the Transfer of Property Act, 1882.

Moreover, the suit is now at the fag end of the trial, hence, no ground to interfere is made out.

Dismissed.

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

December 12th, 2022

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*