

120 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-420-2022
Date of Decision: 09.02.2022

PUSHPA SHARMA

...Petitioner

Versus

RAMESH SHARMA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ajay Kumar Sharma, Advocate
for the petitioner.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.12.2021 passed by learned Additional District Judge, Panipat affirming an order dated 15.01.2021 passed by learned Civil Judge (Junior Division), Panipat vide which the application filed by the petitioner under Order 39 Rules 1 & 2 CPC for grant of ad-interim relief seeking an injunction qua suit land has been dismissed.

2. Learned counsel for the petitioner submits that the petitioner filed a Civil Suit No.1271 of 2019 for partition of the property, which belonged to her deceased mother, against her brothers and sisters before Civil Judge (Junior Division), Panipat. However, during pendency of the said suit, defendant/respondents No.1 to 3 sold the suit property to defendant/respondents No.4 to 6 vide sale deed dated 05.11.2019 without informing the petitioner. Said suit was withdrawn being not maintainable.

Learned counsel further submits that the petitioner filed another suit

No.181/2020 challenging the order dated 12.01.2018 passed in Civil Suit No.221 of 2013 filed by respondent No.1. In her suit No.181/2020, the petitioner moved application under Order 39 Rules 1 and 2 of the CPC. Said application was dismissed by the learned trial Court. Hence, the present petition.

3. Heard.

4. No ground to interfere is made out in the orders passed by the Courts below, whereby grant of ad-interim relief to the petitioner/plaintiff has been declined. It has been observed, *inter alia*, that the compromise/agreement in Civil Suit No.221 of 2013 decided on 01.02.2018 bore the signatures of all the parties to the suit and the petitioner had filed an affidavit dated 03.01.2014 stating that Ritesh Sharma was sole owner of the suit property and that any alienation made by the defendants during the pendency of the present suit shall be subject to Section 52 of the Transfer of Property Act.

5. Dismissed.

6. However, it is made clear that any further alienation of the suit property during pendency of the trial shall be subject to the rule of *lis pendence*.

February 09, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No