

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

CR-8769-2016 (O&M)

Date of decision: 29.07.2022

Sanwarmal

....Petitioner

Versus

Ram Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Goyat, Advocate for the petitioner

Mr. Ramender Chauhan, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

Complaining wilful violation of the injunction order passed in favour of the petitioner, an application under Order 39 Rule 2-A of the Code of Civil Procedure, 1908, was filed. The trial court convicted respondent no.1 while attaching his property as well as punishing him with a simple imprisonment of one month. However, the First Appellate Court has reversed the same. There was an order of status quo with regard to alienation of the property. It is claimed that respondent no.1 sold 2 kanals and 16 marlas of land in favour of respondent no.2-Sh.Ram Avtar.

Learned counsel representing the petitioner admits that ultimately, the suit has already been decided in favour of the petitioner. The alienation made by respondent no.1, during the pendency of the suit, is governed by doctrine of lis pendens, thus, the sale of a portion of the property, shall not affect the rights of the petitioner.

Learned First Appellate Court has recorded cogent reasons

while accepting the appeal. It has been held that the plaintiff was required to prove beyond reasonable doubt that the alienation of the land by respondent no.1 was wilful and intentional. The court further considered that the civil suit has already been finally decided.

Keeping in view the aforesaid facts, it would not be appropriate to interfere with the findings of fact arrived at by the First Appellate Court.

Disposed of.

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

29.07.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE